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PUBLIC ACTS
OF
THE LEGISLATURE

105328

OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1901

**CONTAINING JOINT AND CONCURRENT RESOLUTIONS, AMEND-
MENTS TO THE CONSTITUTION, AND THE STATE
TREASURER'S REPORT FOR THE YEAR
ENDING JUNE 30, 1901**

BY AUTHORITY

1901
**WYNKOOP HALLENBECK CRAWFORD CO. OF LANSING, MICH.
STATE PRINTERS**

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. M62
A2
1901
pt. 2

NOTE.—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich., 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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ENDING JUNE 30, 1901

BY AUTHORITY

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M62
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PUBLIC ACTS

OF

THE LEGISLATURE

1901.



PUBLIC ACTS.

[No. 1.]

AN ACT to create a commission and define its duties and powers and make an appropriation of money for the purpose of making an exhibit of the various manufactures and products of the State of Michigan at the Pan-American Exposition at Buffalo, New York, in the year nineteen hundred and one.

The People of the State of Michigan enact:

SECTION 1. That a commission be and is hereby constituted, to be designated and known as the Board of the Pan-American Exposition Managers for the State of Michigan, which board shall consist of five residents of the State of Michigan, and the Governor shall be ex officio a member of said board.

Pan-American
commission.

SEC. 2. The members of said board shall be appointed by the Governor within thirty days after this act shall take effect, and shall meet at such time and place as the Governor may appoint, when said board shall organize by taking and filing their respective constitutional oaths of office, and the election from their own number of a president, a vice president and treasurer. Said board shall elect a secretary, who shall not be a member of the board, and appoint one assistant or private secretary whenever the board shall determine such appointment necessary. Said board is hereby empowered to employ such agents and employes as it may from time to time deem necessary to carry into effect the provisions of this act. Said treasurer may, when so directed by said board, bring suit in his official name in any court of competent jurisdiction for the protection of the interests of the State of Michigan or the rights of said board. Said treasurer, before he enters upon the duties of his office, shall file with the Secretary of State a bond to the people of the State of Michigan in the sum of fifty thousand dollars, to be approved by the Governor, conditioned for the faithful performance of all his duties as such treasurer. Three members of said board shall constitute a quorum for the transaction of business after it shall be duly organized. The board shall have power to make rules and regulations for its own government: *Provided*, Such rules and regulations shall not conflict with the regulations adopted by the Pan-American Exposition. Said board of managers shall hold their offices, subject to removal as hereinafter pro-

Governor to
appoint.

Commission to
elect officers.

Powers of
commission.

Bond of treas-
urer, where
filed.

Quorum.

May make
rules and regu-
lations.

Proviso.

Term of office.

[No. 2.]

AN ACT to repeal act number two hundred thirteen of the session laws of eighteen hundred ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair, and the manner of selecting jurors to serve in the circuit court for said county, and to prescribe their duties and to fix their compensation, and to punish violations of said act," as amended by act number forty-six of the session laws of eighteen hundred ninety-five.

The People of the State of Michigan enact:

Act repealed. SECTION 1. That act number two hundred thirteen of the session laws of eighteen hundred ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair, and the manner of selecting jurors to serve in the circuit court for said county, and to prescribe their duties and to fix their compensation, and to punish violations of said act," as amended by act number forty-six of the session laws of eighteen hundred ninety-five, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved January 24, 1901.

[No. 3.]

AN ACT to amend section thirty-three of act number one hundred and eighty-three, public acts of eighteen hundred and ninety-seven, entitled, "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," approved May twenty-nine, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section thirty-three of act number one hundred and eighty-three, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," be amended so as to read as follows:

Salary.

SEC. 33. In the twentieth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

This act is ordered to take immediate effect.

Approved January 28, 1901.

order of the president of the board, countersigned by the secretary upon vouchers made in duplicate, containing an itemized statement of account and for what purpose the same is paid; and those accounts that are for traveling expenses and subsistence shall have attached thereto the affidavit of the person claiming the same, that such sum has been actually paid, and for the items and purposes stated therein, and that no claim therefor has been made heretofore. One of each of all vouchers shall be kept by the treasurer in his office, and the duplicate, together with abstracts of accounts current, shall be by him filed with the Auditor General, as provided by act number one hundred forty-eight of the public acts of eighteen hundred and seventy-three.

Treasurer to retain vouchers, etc.

SEC. 7. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State treasury the sum of forty thousand dollars, or so much thereof as shall be necessary therefor: *Provided*, That there may be drawn and expended out of the money hereby appropriated not to exceed ten thousand dollars to procure plans, material, build and furnish an adequate State administration building on the grounds of the Pan-American Exposition: *Provided*, That in no event or account shall the State of Michigan or the said board created by this act be held responsible or be made liable for any sum in excess of the amount appropriated by this act, and in no event for damages to persons or property sustained by exhibitors or others.

Appropriation.
Proviso as to amount expended for plans, etc.

Provision as to excess of appropriation.

SEC. 8. After the Pan-American Exposition shall have been closed, the board of managers is hereby authorized to sell the buildings and property then on the exhibition grounds at Buffalo belonging to the State of Michigan, depositing the money received therefor in the State treasury for the benefit of the general fund; and further, any money in the hands of the treasurer of the board of managers belonging to the State shall be paid by him to the State Treasurer, and his accounts fully settled within three months after the close of said Pan-American Exposition.

Board to sell buildings, disposition of moneys.

SEC. 9. To raise the sum necessary to replace the amount of money drawn from the treasury by authority of this act, there shall be assessed upon the taxable property of the State, in the year nineteen hundred and one, the sum of forty thousand dollars, to be assessed, levied and collected in like manner as other taxes are by law assessed, levied and collected and paid, which tax, when collected, shall be credited to the general fund by the State Treasurer.

Amount appropriated to be incorporated in State tax.

This act is ordered to take immediate effect.

Approved January 24, 1901.

[No. 2.]

AN ACT to repeal act number two hundred thirteen of the session laws of eighteen hundred ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair, and the manner of selecting jurors to serve in the circuit court for said county, and to prescribe their duties and to fix their compensation, and to punish violations of said act," as amended by act number forty-six of the session laws of eighteen hundred ninety-five.

The People of the State of Michigan enact:

Act repealed. SECTION 1. That act number two hundred thirteen of the session laws of eighteen hundred ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair, and the manner of selecting jurors to serve in the circuit court for said county, and to prescribe their duties and to fix their compensation, and to punish violations of said act," as amended by act number forty-six of the session laws of eighteen hundred ninety-five, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved January 24, 1901.

[No. 3.]

AN ACT to amend section thirty-three of act number one hundred and eighty-three, public acts of eighteen hundred and ninety-seven, entitled, "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," approved May twenty-nine, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section thirty-three of act number one hundred and eighty-three, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," be amended so as to read as follows:

Salary.

SEC. 33. In the twentieth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

This act is ordered to take immediate effect.

Approved January 28, 1901.

[No. 4.]

AN ACT to amend section three of act number two hundred twenty-two, of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the appointment of a board of commissioners, who shall have the management and control of the Mackinac Island State Park, and defining its powers and duties," approved May thirty-first, eighteen hundred ninety-five, as amended by act number one hundred thirty-three, of the public acts of eighteen hundred ninety-nine, approved June twenty-first, eighteen hundred ninety-nine, the same being section twelve hundred fifty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section three of act number two hundred twenty-two, of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the appointment of a board of commissioners, who shall have the management and control of the Mackinac Island State Park, and defining its powers and duties," approved May thirty-first, eighteen hundred ninety-five, as amended by act number one hundred thirty-three, of the public acts of eighteen hundred ninety-nine, approved June twenty-first, eighteen hundred ninety-nine, the same being section twelve hundred fifty-nine of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 3. The Mackinac Island State Park shall be under the control and management of said Mackinac Island State Park Commission, and the majority of same shall constitute a quorum for the transaction of business. The commissioners shall have power out of said fund to lay out, manage and maintain said park and preserve the old fort, and to make and enforce by-laws, rules and regulations necessary to carry out the purposes thereof, not inconsistent with the laws of the State; to effect leases, and to fix prices for rentals or privileges upon the property of said park; to employ a superintendent and such persons as may be needed. The commissioners shall also have power to grant privileges and franchises for water-works, sewerage and lighting, for a period not to exceed thirty years. And it is hereby provided that the sheriff of the county of Mackinac shall, upon the application of said commission, appoint one or more persons, to be by said commission designated, and who shall be employes, as provided in this act, as deputy sheriffs in and for said county, but who shall receive no fees or emoluments for services as deputy sheriffs. Said commissioners shall have the power to fix the compensation of the persons employed by them, but no debt or obligation shall be created by them exceeding the amount of moneys at their disposal at the time. Powers and duties of Mackinac Island State Park Commission.

May grant franchises, etc.

Deputy sheriffs, how appointed.

To fix compensation of employes.

To make an-
nual report to
Governor.

All money received from rentals or privileges may be applied by the commissioners to the maintenance and improvement of said park. Said commissioners shall make to the Governor an annual report and statement of receipts and expenditures, and such recommendations and suggestions as may seem to them proper.

This act is ordered to take immediate effect.

Approved January 29, 1901.

[No. 5.]

AN ACT to amend sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred and sixty-seven, as amended by the several acts amendatory thereof, being compiler's sections five thousand eight hundred ninety-seven and five thousand eight hundred ninety-eight of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred sixty-seven, as amended by the several acts amendatory thereof, being compiler's sections five thousand eight hundred ninety-seven and five thousand eight hundred ninety-eight of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Provision for
furnishing
university
with certain
subjects for
dissection.

SECTION 1. Any member of either of the following boards, and any of the following named officers or persons, to wit: The board of health of any city, village or township, the common council of any city, board of trustees of any village, any board or officer having the direction, management, charge or control, in whole or in part, of any prison, house of correction, workhouse, jail or lockup, founded or supported in whole or in part at public expense, having in his or their possession or control, the dead body of any person not claimed by any relative or legal representative; or the county superintendent of the poor, keepers of poorhouses and almshouses, any physician or other person in charge of any poorhouse or almshouse, or charitable institution, sheriff or coroner, having in his or their possession or control the dead body of any

person not claimed by any relative, personal friend or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institutions, or the dead body of any convict who died in prison under sentence of murder or attempt to murder, shall deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, to the express or railway company at the nearest railway station, placed in a plain coffin and enclosed in a strong box, securely fastened and plainly directed to the "Demonstrator of Anatomy of the University of Michigan, Ann Arbor, Michigan," excepting only the dead bodies of such persons as shall have died with smallpox, diphtheria or scarlet fever: *And provided*, That in the county of Wayne the dead bodies hereinbefore described shall be sent in the same manner and under the same restrictions as those sent to the demonstrator of anatomy of the University of Michigan, either to the demonstrator of anatomy of the Detroit College of Medicine, or to the demonstrator of anatomy of the Michigan College of Medicine and Surgery, or to the demonstrator of anatomy of the Detroit Homeopathic College; and the dead bodies hereinbefore described, found in the county of Saginaw, shall be sent or delivered, under the like restrictions as to those sent to the University of Michigan at Ann Arbor, to the demonstrator of anatomy of the Saginaw Valley Medical College, Saginaw, Michigan: *And provided*, That, in the county of Kent, the bodies hereinbefore described be in like manner sent to the demonstrator of anatomy in the Grand Rapids Medical College in Grand Rapids, Michigan. And such boards, common councils, officers or other persons making such shipment or delivery, shall, as the case may be, take the usual shipping receipt or a fully particularized receipt for such package and shall notify the consignee of such shipment by letter mailed on the day the package is so delivered to the express or delivery, by letter mailed on the day the package is so delivered to the express or railway company as aforesaid, or within the counties of Wayne, Kent and Saginaw, delivered concurrently by messenger or otherwise with the delivery of such package, and shall also enclose in such letter a statement giving, as nearly as can be ascertained, the name, age, residence and cause of death of such deceased person, whose body has been shipped or is being delivered as aforesaid; and also a statement of the costs and expenses which have been incurred in the procuring of the coffin, box, preparation of the body for shipment or delivery, as the case may be, and the shipping or delivery of the same, and upon the receipt of package so shipped to him, the demonstrator of anatomy of the University of the State of Michigan shall immediately forward to such officer, board, council or institution, or person or persons making such shipment or incurring

Bodies of convicts, certain, how disposed of.

Proviso as to counties of Wayne and Saginaw.

Proviso as to county of Kent.

Officers making shipment to take receipt, etc.

Statement of cost and expense to university.

Cost of bodies
to certain in-
stitutions.

Proviso as to
claim of body
by relatives.

Record to be
kept.

Proviso as to
duties of offi-
cer, etc., in
charge of
body.

Violation a
misdemeanor.

Purposes for
which bodies
are to be used.

such expenses, the amount thereof, not exceeding in any case the sum of fifteen dollars. Upon the receipt of a package so delivered to him, the demonstrator of anatomy of the Detroit College of Medicine, or of the Michigan College of Medicine and Surgery, or of the Saginaw Valley Medical College, or of the Grand Rapids Medical College, or of the Detroit Homeopathic College, as the case may be, shall immediately forward to such officer, board, council or institution, or person or persons making such delivery, or incurring such expenses, the amount thereof not exceeding in any case the sum of seven dollars: *Provided*, Such dead body shall not be shipped or delivered as aforesaid, if it shall be requested, in good faith, for interment by any relative before the same shall have been delivered as aforesaid, and in case the dead body of any person so delivered or so shipped as aforesaid be subsequently claimed or demanded by either of said demonstrators of anatomy, or of any other person or institution, into whose possession or under whose control it may have been placed by virtue of the provisions of the law, by any relative or legal representative of such deceased person for private interment, it shall be given up to such claimant, even after the same shall have been interred as hereinafter provided, after they shall have paid the actual expenses incurred and paid by the demonstrator of anatomy, or by any person or institution into whose possession or under whose control it may have been placed by virtue of the provisions of this act. Such bodies shall be used only for the purposes hereinafter mentioned, and shall then, in all cases, be interred in some suitable place kept for that purpose, and a correct record shall be kept of every such body; and all matters by which such body may be identified, coming to the knowledge of the person or officer at any time in charge of such bodies, shall be faithfully recorded at length in a book kept for that purpose, to the end that the same may at any time be traced and discovered by the friends and relatives of such deceased person: *And provided further*, That the institution, board, council, officer or person aforesaid, shall, immediately after the death of such person, notify, if possible, by telegraph, or otherwise by letter, one or more of the nearest known relatives of such deceased person of the death of such person; and in no other case shall the body of such deceased person be shipped or delivered, as aforesaid, until after the expiration of twenty-four hours from death. And every individual, officer or party violating any of the provisions of this section, shall be deemed guilty of a misdemeanor.

SEC. 2. The bodies so shipped or delivered, as aforesaid, shall be used for the advancement of anatomical science in this State in the following institutions of learning only, viz.: The University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery, the Detroit Homeopathic College, the Saginaw Valley Medical College

and the Grand Rapids Medical College. And the said bodies shall be distributed to and among the same equitably, and, as far as possible, in the order in which they are received, and the number assigned to each by the said demonstrator of anatomy shall be proportional to that of its students of anatomy in actual attendance, and to this end the said demonstrator of anatomy shall, within ten days after the opening of the scholastic year of each of said institutions, ascertain from the dean or other executive officer of said institutions the number of students of anatomy in actual attendance in the said respective institutions. And the said demonstrators of anatomy shall, upon ascertaining the number of students of anatomy in actual attendance in said institutions, each notify the other in writing of the information thus obtained; and at any time thereafter, upon the written request of either of said demonstrators of anatomy, delivered or mailed to the others, the said demonstrators of anatomy shall ascertain and inform each other in writing, of the number of students of anatomy in actual attendance in the said institutions to the end that at all times the distribution of said bodies may be equitable and proportionable to the number of students of anatomy in actual attendance in the said institutions. And in order to procure a fair and proportionable distribution of bodies in quality as well as in quantity, each demonstrator of such institutions may throw out any body which, when received, shall, in his opinion, be unfit and worthless for the advancement of anatomical science, and shall not count such body as anatomical material when received, but, on his request to the other demonstrators, or to any one of them, shall be supplied by such demonstrator applied to with the proportionate number of good bodies, fit for use for the necessary instruction. And the demonstrators of anatomy of the aforesaid institutions shall each make annually, in the last week of the month of June, a sworn statement of the actual expenses borne and incurred by him under the provisions of this act. And from such statements the total cost of the anatomical material received shall be ascertained by a board consisting of all of said demonstrators, and shall be apportioned and paid by such institutions in proportion to the number of bodies used by each of said institutions: *Provided however*, That either of the said demonstrators of anatomy, upon the receipt of every body under and by virtue of the provisions of this act, shall cause the same to be embalmed or put in a state of preservation, and shall not permit the same to be delivered to any of said institutions for the purpose of dissection, until the same shall have been in his possession at least ten days. And it shall be the duty of the said demonstrator of anatomy of the University of Michigan and the said demonstrator of anatomy of the Detroit College of Medicine, and the said demonstrator of anatomy of the Detroit Homeopathic College, and the said demonstrator of anatomy of the

To be distributed equitably.

Demonstrators to inform each other as to number of anatomical students.

Demonstrators to make annual statement of expense.

Cost of anatomical material to be apportioned.

Proviso as to notifying relatives.

Proviso.

Violation, a
misdemeanor.

Repealing
clause.

Saginaw Valley Medical College and the Grand Rapids Medical College, upon the receipt of any body under the provisions of this act, to immediately notify the relatives of such deceased person, if known, of the receipt of such body, either by mail or telegraph, as he may deem best, and that said body will be preserved intact for the space of ten days, in which time the said relative will be entitled to said body for the purpose of interment, and shall pay such expenses, the demonstrator of anatomy, in whose possession or under whose control the said body may be, shall deliver to such relative or such legal representative, the said body, together with the said coffin and box enclosing the same. But in case said body shall not be requested by such relatives until after the same shall have been applied to the purposes intended, the remains thereof, together with the coffin and box aforesaid, shall be delivered without charge: *Provided*, That the University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery, the Detroit Homeopathic College, and the Saginaw Valley Medical College and the Grand Rapids Medical College, aforesaid, and each and every other medical institution, shall not receive into their possession any bodies procured in this State other than those provided for by the provisions of this act. And every individual or party violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved January 31, 1901.

[No. 6.]

AN ACT to provide for the employment of clerks or assistants in the executive office of this State.

The People of the State of Michigan enact:

Governor may
employ extra
clerks.

Proviso as to
salary.

SECTION 1. The Governor may from time to time employ such clerks and assistants in addition to those already provided for by law, for service in his department, as he may consider necessary, the compensation of such clerks and assistants to be determined by the Governor and to be paid from the general fund on the warrant of the Auditor General, in like manner as the salaries of State officers are paid: *Provided*, That nothing in this act shall authorize the payment of any salary exceeding twelve hundred dollars per year.

This act is ordered to take immediate effect.

Approved February 5, 1901.

[No. 7.]

AN ACT to provide for the payment for maintenance of certain patients in the State asylum at Ionia.

The People of the State of Michigan enact:

SECTION 1. Whenever any patient in the State asylum the expense of whose maintenance has been wholly paid by the county, responsible for his or her maintenance for a period of one year, whether such period shall have been continuous or interrupted, shall from and after the close of such period of one year, be maintained by the State so long as he or she is retained in said asylum. Any patient recommitted to the asylum, the expense of whose previous maintenance has been paid by any county for a period of one year, shall not again be maintained at the expense of any county, but by the State. Any patient received from any asylum in the State whose maintenance has been paid by any county for a period of one year or less than one year, the time spent in such asylum shall be computed the same as if the patient had been originally committed to the State asylum.

Patients, how maintained.

Patients re-committed to asylum, expense, how paid.

Patients from other asylums, time, how computed.

SEC. 2. All parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved February 7, 1901.

[No. 8.]

AN ACT to amend section ten of act number ninety of the public acts of eighteen hundred and ninety-nine entitled "An act to provide one additional judge in the judicial circuit in which the county of St. Clair is or may be situate, being now the thirty-first judicial circuit."

The People of the State of Michigan enact:

SECTION 1. That section ten of act number ninety of the public acts of eighteen hundred and ninety-nine entitled "An act to provide one additional judge in the judicial circuit in which the county of St. Clair is or may be situate, being now the thirty-first judicial circuit," be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 10. Whenever either judge of said circuit shall authorize the stenographer of said circuit to employ one or more temporary assistant stenographers, the judge so authorizing such employment, shall fix the compensation to be paid for such services and shall, from time to time, audit and allow the

Judge to fix compensation.

account of such assistant, but in no instance shall it exceed ten dollars per day, and thereupon the county clerk shall draw an order on the county treasurer for the amount so audited and allowed and the county treasurer is hereby authorized and required to pay the same.

This act is ordered to take immediate effect.

Approved February 14, 1901.

[No. 9.]

AN ACT to amend section six of act number eleven of the public acts of eighteen hundred ninety-nine, entitled "An act for the organization of corporate Methodist Episcopal churches," approved March second, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section six of act number eleven of the public acts of eighteen hundred ninety-nine, entitled "An act for the organization of corporate Methodist Episcopal churches," be amended so as to read as follows:

Board of trustees,
how elected, etc.

SEC. 6. The temporalities of said church shall be managed by a board of trustees consisting of not less than three, nor more than nine members, to be elected by said corporation, the said trustees to hold their office for the term of one year, or until their successors shall be elected and duly qualified. Vacancies in said board may be filled at any time for the balance of the unexpired term by an election as in other cases.

This act is ordered to take immediate effect.

Approved February 20, 1901.

[No. 10.]

AN ACT to amend section one of an act entitled "An act to authorize the consolidation of street railway, electric light and gas light companies, or any two thereof," being act number one hundred twenty-eight of the public acts of eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of an act entitled "An act to authorize the consolidation of street railway, electric light

and gas light companies, or any two thereof," being act number one hundred twenty-eight of the public acts of eighteen hundred ninety-nine, be amended so as to read as follows:

SECTION 1. Any company organized under chapter ninety-five of Howell's annotated statutes of Michigan, entitled "Street Railway Companies," and any company organized under chapter one hundred twenty-seven of said statutes, entitled "Electric Light Companies," and any company organized under chapter one hundred twenty-six of said statutes, entitled "Gas Light Companies," or any two thereof, may consolidate, each with the others, where such companies are organized, in operation and located, and carry on business in the same or contiguous towns, cities or villages, and may form a single corporation. And for this purpose the directors of said three corporations, or any two of said corporations, may enter into an agreement under the corporate seal of each, for the consolidation of the said three corporations, or any two thereof, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than three, nor more than thirteen, the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said three corporations, or any two thereof, so consolidating, as hereinafter provided, the number of shares of capital stock in the new corporation, the amount of each share, which shall not exceed one hundred dollars, the manner of converting the shares of capital stock in each of said three corporations, or any two thereof, into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations, and such new corporation shall possess all the powers, rights and franchises conferred upon such three corporations, or any two thereof, so consolidated, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said three corporations, or any two thereof, so consolidating, until approved by a vote of three-fourths of the outstanding stock of each company passed at an annual meeting of stockholders or at a special meeting of stockholders called for the purpose of considering the same, and when such agreement of the directors has been so sanctioned by the stockholders, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said three corporations, or any two thereof, so consolidating. A copy of

Companies may consolidate.

Directors may enter into agreement.

What deemed first election of directors.
Number of directors.

Agreement, what to show.

Powers conferred upon new corporation.

Agreement, how considered.

Copy to be
evidence.

said contract or consolidation agreement filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said three companies, or any two thereof, so consolidating, and of all the facts herein stated.

This act is ordered to take immediate effect.

Approved February 25, 1901.

[No. 11.]

AN ACT to make valid certain acts as commissioner of deeds performed by Josiah S. Dean.

The People of the State of Michigan enact:

Acts of com-
missioner
legalized.

SECTION 1. That all acts as commissioner of deeds performed by Josiah S. Dean, of Boston, Massachusetts, between the tenth day of June, eighteen hundred ninety-seven, and the seventeenth day of January, nineteen hundred, which would have been valid had the said Josiah S. Dean been, during said time, duly appointed a commissioner of deeds for the State of Michigan in the state of Massachusetts, shall be for all purposes as good and as valid and shall have the same force and effect as if the same had been performed by an officer duly appointed commissioner of deeds for said State of Michigan in said state of Massachusetts, to take acknowledgments, oaths, affirmations, or any other acts authorized by law to be performed by such commissioners.

This act is ordered to take immediate effect.

Approved February 26, 1901.

[No. 12.]

AN ACT to provide for an extension of the corporate life of summer resort associations, organized under the laws of the State, whose term of existence would otherwise expire, and to fix the duties and liabilities of such renewal corporations.

The People of the State of Michigan enact:

May continue
corporate
existence.

SECTION 1. It shall be lawful for any summer resort association, whose term is about to expire by limitation, at

any time within eight years next preceding the expiration of such term, by a vote of two-thirds of its capital stock, at any annual meeting, to direct the continuance of its corporate existence for such further term not exceeding thirty years from the expiration of the existing term, as may be expressed in a resolution for that purpose. The president and secretary of such stockholders' meeting shall make and sign duplicate copies of such resolution, and its passage shall be verified by the oath of such secretary attached to each of such duplicates. One of said copies shall be filed in the office of the Secretary of State and one with the clerk of the county where the principal office of the corporation is located, and both shall be recorded at the expense of said corporation, and the copies so filed, or the record thereof or certified copies of either of such records, shall be prima facie evidence of the passage of such resolution and of the extension of said corporate life: *Provided*, That the franchise fee, which may be provided by law for new corporations, shall be paid before such term shall be extended.

Who to sign
copies of
resolution.

Where filed.

What to be
evidence of
passage.
Proviso as to
franchise fee.

SEC. 2. The renewal term of such corporation shall begin from the expiration of the former term, and the corporation whose term has thus been renewed shall be the same corporation, and own all its property, and be subject to all its liabilities, have the same stockholders and members and the same officers. The rights of all persons interested in said corporation shall continue as before such extension. The articles of association and by-laws shall continue the same until changed or amended by the corporation in the manner required by law.

When renewal
term to begin.

This act is ordered to take immediate effect.

Approved February 26, 1901.

[No. 13.]

AN ACT to empower the judge of probate of Livingston county, with the consent of the board of supervisors, to appoint a probate register.

The People of the State of Michigan enact:

SECTION 1. That the board of supervisors of Livingston county shall have power to authorize the probate judge to appoint a probate register for said county, who shall receive such annual salary, payable monthly from the county treasury, as the board of supervisors shall prescribe, which shall be not to exceed six hundred dollars.

May authorize
appointment
of probate
register.

Salary.

Term of office,
oath, etc.

SEC. 2. Such probate register shall be appointed by the probate judge and shall hold office during the pleasure of said probate judge, and shall take and subscribe the constitutional oath and file the same with the county clerk, when he shall have power to receive petitions, fix the time of hearings, administer oaths, and do all other acts required of the probate judge, except judicial acts, and shall receive no other fees than are now prescribed by general law for judges of probate.

This act is ordered to take immediate effect.

Approved March 1, 1901.

[No. 14.]

AN ACT to provide for the regulation in this State of certain foreign corporations generally known as building and loan associations, prescribing the terms and conditions upon which such foreign corporations shall be permitted to do business in this State.

The People of the State of Michigan enact:

How to conduct business.

SECTION 1. The foreign building and loan associations doing business in this State shall conduct the same in accordance with the laws of this State governing domestic building and loan associations, and shall comply with all the requirements of said laws, except as herein provided.

To procure certificate of authority.

SEC. 2. No foreign building and loan association shall do any business in this State until it shall procure from the Secretary of State a certificate of authority to do so. To procure such certificate of authority such foreign association shall comply with the following provisions:

File articles, etc.

First. It shall file with the Secretary of State a certified copy of its articles of incorporation, a copy of its by-laws and rules governing it, and of its certificates and all printed matter issued by it, together with a statement of its financial condition, such as is required annually from all building and loan associations organized under the laws of this State.

Agreement as to process against.

Second. It shall file with the Secretary of State a written instrument properly executed, agreeing that any summons or process of any court in this State may issue against it from any county in this State, and when served upon the Secretary of State, shall be accepted irrevocably as a valid service upon such foreign association: *Provided, however,* That the Secretary of State shall mail a copy of any such legal process served upon him to the home office of such foreign association and the Secretary of State shall, within six days certify to the

Proviso.

court from which such summons or process issued, the fact of such mailing. The plaintiff shall for each process so served pay to the Secretary of State, at the time of such service, a fee of two dollars, which shall be recovered by the plaintiff as a part of the taxable costs if he prevail in the suit.

Third. It shall deposit with the Secretary of State one hundred thousand dollars (\$100,000), either in cash or bonds of the United States, or bonds of any state in the United States, or bonds of any county or municipal corporation in the State of Michigan, or mortgages being first liens on improved and productive real estate located within this State, and worth at least twice the amount of the liens; which securities shall be approved by the Secretary of State. Said deposit shall be held as security for all claims of residents of this State against such foreign associations, and shall be liable for all judgments or decrees thereon; and said securities shall not be released until all shares of such foreign associations held by residents of this State shall have been fully redeemed and paid off, and its contracts and obligations to residents of this State shall have been fully performed and discharged. Such foreign association may collect and use the interest on any securities so deposited, so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other securities of equal value; if satisfactory to the Secretary of State.

Deposit to be made.

Kind of securities, etc.

How held.

May use interest.

SEC. 3. All such securities deposited with the Secretary of State shall be immediately deposited by him with the State Treasurer, who, with his sureties, shall be responsible for the safe keeping thereof. The State Treasurer shall deliver such securities only upon the written order of the Secretary of State.

Securities, where deposited.

SEC. 4. Whenever such foreign association has complied with the provisions of this act, and the Secretary of State is satisfied that it is in sound financial condition, and upon payment by such foreign association of a franchise fee upon its authorized capital stock as required by the laws of this State upon the formation of corporations in this State, the Secretary of State shall issue his certificate of authority to such foreign association to do business in this State until the first day of the following September. Annually thereafter, upon the filing of an annual statement such as is required from domestic building and loan associations, and if the Secretary of State shall be satisfied that such foreign association is conducting its business in accordance with the laws of this State, and shall regard it as safe, reliable, and entitled to public confidence, he shall issue a renewal of such certificate of authority.

When Secretary of State to issue certificate of authority.

Renewal of certificate.

Sale of securities to satisfy shareholder.

Proviso.

Further proviso.

Examination.

Proviso as to expense.

Certificate of authority may be revoked.

Proviso as to notice.

To comply with provisions of act.

Penalty for violation.

SEC. 5. If at any time any shareholder of such foreign association, residing in this State, shall recover judgment against such foreign association, and which after thirty days shall not have been satisfied, the State Treasurer, upon an order from the Secretary of State, shall proceed to sell at the current market value, sufficient of the bonds, or collect sufficient of the mortgage securities deposited with him, to satisfy the amount of such judgment, together with one per cent. for his services and expenses: *Provided*, That before ordering the State Treasurer to dispose of such securities as aforesaid, the Secretary of State shall be served with an affidavit by the plaintiff or his attorney, setting forth the recovery of judgment, and that the same has remained unpaid for thirty days, and that no proceedings are pending for the review or reversal of the same: *Provided further*, That such foreign association, after notice of the service of such affidavit, shall not transact any new business in this State until any deficiency of securities caused by the necessity of satisfying such judgments shall have been made good by further deposit of similar securities with the Secretary of State.

SEC. 6. Every foreign building and loan association doing business in this State shall be subject to the same examinations as are building and loan associations organized under the laws of this State: *Provided*, That the expense of all examinations of such foreign associations shall be paid by the association examined, and the money so received shall be paid into the State treasury.

SEC. 7. Should the Secretary of State find, upon examination, that such foreign association does not conduct its business in accordance with law, or that the affairs of such foreign association are in an unsound condition, or if such foreign association refuses to permit examinations to be made, he may revoke the certificate of authority granted such foreign association to do business in this State: *Provided*, That upon the revocation of said certificate of authority, the Secretary of State shall mail a notice thereof to the home office of such foreign association, and cause a similar notice to be published in at least one newspaper published in the city of Lansing. After the publication of said notice, it shall be unlawful for any agent of such foreign association to receive any further payments on shares from shareholders residing in this State, except payments on shares on which a loan has been made.

SEC. 8. No foreign building and loan association shall be permitted to do business in this State unless the provisions of this act are fully complied with, and all contracts made by such foreign associations while in default shall be absolutely void. Any such foreign association violating any of the provisions of this act, or failing to comply with any of its provisions, shall be subject to a fine of not less than one hun-

dred dollars, nor more than five hundred dollars, such fine to be recovered by an action in the name of the people of the State of Michigan, in any court of competent jurisdiction and upon the collection thereof, the same shall be paid into the State treasury.

SEC. 9. It shall be unlawful for any person to act as agent for any building and loan association not authorized to do business in this State, or to solicit, sell, or dispose of any shares of any such unauthorized association; and any person or persons acting for any such unauthorized association, or in any manner aiding in the transaction of the business of such association in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars for each offense, and in default of payment of such fine shall be imprisoned in the State House of Correction, or State Reformatory at Ionia, for a period not to exceed one year. All fines collected under the provisions of this section shall be paid into the State treasury.

Misdemeanor to act as agent for unauthorized association.

Penalty.

SEC. 10. All foreign building and loan associations authorized to transact business in this State shall be subject to, and shall pay to the Secretary of State the following fees, which fees shall be paid into the State treasury, to wit: For filing certified articles of association, by-laws, annual statements, or any other papers, one dollar; for each certificate of authority and annual renewal of same, five dollars; for making certified copy of any of the papers above mentioned, twenty cents per folio of one hundred words; also the franchise fee hereinbefore described.

Fees to be paid.

Approved March 1, 1901.

[No. 15.]

AN ACT to fix the per diem compensation of members of the State legislature from the upper peninsula for and during the session of one thousand nine hundred and one.

The People of the State of Michigan enact:

SECTION 1. That in addition to the compensation, mileage and allowance for stationery as fixed by law, for members representing the several senatorial and representative districts in the upper peninsula, there shall be allowed and paid two dollars per diem extra compensation during the legislative session of the year one thousand nine hundred and one.

Compensation.

This act is ordered to take immediate effect.

Approved March 1, 1901.

[No. 16.]

AN ACT to provide a salary for the circuit court commissioners of Kent county.

The People of the State of Michigan enact:

To be provided
with docket,
books and sta-
tionery.

SECTION 1. That the board of supervisors of Kent county shall provide a docket for each of the circuit court commissioners of said county, and also all necessary books, blanks and stationery for the use of said commissioners.

Salary, to be
in lieu of fees,
perquisites,
etc.

SEC. 2. Each of said commissioners shall receive from the treasurer of the county of Kent an annual salary of fifteen hundred dollars, payable monthly on the order of the county clerk of said county, which salary shall be in lieu of all fees, commissions, and perquisites payable to them under the laws of this State for the performance and discharge of any duties required by their offices or any office, the duties of which they exercise by virtue thereof; and that the said commissioners shall receive no other or further compensation for the duties imposed upon them, but all fees or commissions made payable to, or that may be charged by them by virtue of said office, shall be received by and on account of said county.

Duty of com-
missioners.

SEC. 3. It shall be the duty of each of said commissioners to keep a true record of all business done by each of them, and to enter all judgments and orders made by them in said dockets, which dockets and all other books and files are hereby declared to be public property and to be open for inspection during office hours by any person; but no person shall be permitted to remove any of the said records from the office of such commissioner. The said commissioners shall receive all costs and dues of every description which are provided by law in all proceedings before them, and shall pay the same monthly to the treasurer of the county and take his receipt therefor: *Provided*, That for the taking of testimony in all cases referred to such circuit court commissioners or by law required to be taken by them, no fees shall be charged except the actual cost of stenographic work and transcribing, not to exceed ten cents per folio for originals and four cents per folio for each copy, which amounts shall be paid to the commissioner for the testimony so taken.

To receive
costs, dues,
etc.

Proviso.

Fees to be paid
commission-
ers.

SEC. 4. Before any action or proceeding for the recovery of lands or buildings shall be commenced before either of said commissioners, there shall be paid to him by the party bringing the same the sum of one and fifty one-hundredths dollars, and before the hearing of any such action or proceeding shall be commenced the further sum of two and fifty one-hundredths dollars, and either party demanding a jury shall advance the fee therefor and the same shall be disposed of as is now provided by law in justices' courts; and before any affidavit or appeal or writ of certiorari shall be served on

either of said commissioners, in addition to the costs now provided by law for making return to appeals or certiorari, the further sum of five dollars shall be paid to said commissioner by the appellant or plaintiff in error, and said commissioner shall pay the entry fee in the circuit court and at the same time file therein the return to the appeal or certiorari, as the case may be. The moneys so paid shall be for the use of the said county, and shall be held in full of all fees now allowed by law to said commissioners from the commencement of such proceeding to and including the issuing of such final process as may be necessary to give effect to an order or judgment of such commissioner. The sum or sums so paid, including an attorney fee of five dollars and jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the action, in addition to any other to which he may be entitled by law. Any cause or proceeding pending before or referred to either of said commissioners in said county at the time this act goes into operation shall be heard and disposed of according to the law and practice now in force.

Moneys, how used.

Sums, etc., to be taxed as costs.

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 6, 1901.

[No. 17.]

AN ACT to amend sections one, two, three, four, five, six, eight, nine and ten, and to repeal sections eighteen to thirty-four, inclusive, of an act entitled "An act to provide for the incorporation and regulation of certain corporations, generally known as building and loan associations," being act number fifty, public acts of eighteen hundred eighty-seven, as amended by act number one hundred twenty-four, public acts of eighteen hundred eighty-nine; by act number two hundred sixty-nine, public acts of eighteen hundred ninety-five, and by act number one hundred fifty-six, public acts of eighteen hundred ninety-nine, the same being chapter two hundred and six, volume two, of the compiled laws of eighteen hundred ninety-seven, and to substitute in the place of said repealed sections twelve other sections, to be numbered eighteen to twenty-nine, inclusive.

The People of the State of Michigan enact:

SECTION 1. That sections one, two, three, four, five, six, eight, nine and ten of an act entitled "An act to provide for the incorporation and regulation of certain corporations

Sections amended and repealed.

generally known as building and loan associations," being act number fifty, public acts of eighteen hundred eighty-seven, as amended by act number one hundred twenty-four, public acts of eighteen hundred eighty-nine; by act number two hundred sixty-nine, public acts of eighteen hundred ninety-five and by act number one hundred fifty-six, public acts of eighteen hundred ninety-nine, the same being chapter two hundred and six, volume two, of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows; and that sections eighteen to thirty-four, inclusive, of said act be and the same are hereby repealed; and that sections eighteen to twenty-nine, inclusive, of this act be substituted for said sections eighteen to thirty-four, inclusive, repealed.

Five or more persons may incorporate.

Articles, how signed, what to set forth.

Name.

Purpose.

Capital stock.

Names of incorporators.

Term.

Location.

Approval and filing of articles.

When to be body corporate.

SECTION 1. Any number of persons, not less than five, who are residents of this State, desiring to organize a building and loan association for the purpose of building and improving homesteads, removing incumbrances therefrom, and loaning money to the members thereof, may, by complying with all the provisions of this act and entering into articles of association, become a corporate body. Said articles of association shall be signed by the persons associating, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall set forth:

First, The name assumed by the association, which shall not be the same assumed by any other association incorporated under this act, nor so similar as to be liable to mislead;

Second, The purposes for which the association is formed;

Third, The amount of its authorized capital stock; the number of shares into which it is divided; the par value of each share; and the number of shares subscribed for, which shall not be less than fifty in number;

Fourth, The names of the incorporators; their respective residences, and the number of shares subscribed for by each;

Fifth, The term of its corporate existence, which shall not exceed thirty years;

Sixth, The name of the town, village or city in which such association is to be located.

SEC. 2. When executed as aforesaid, said articles of association shall be approved by, and filed with the Secretary of State, and a copy thereof, duly authenticated under his hand and seal of State, shall be recorded in the office of the register of deeds in the county in which the principal office of such association is located. Upon the recording of said copy, the persons named in the articles of association, their associates and successors, shall become a corporate body for the period for which they are organized, and shall exercise such powers as are herein granted, and such other powers as are necessary to enable such association to carry out the purpose of its organization, not inconsistent with the provi-

sions of this act: *Provided*, That before such association shall proceed to business it shall adopt by-laws for the regulation and management of its business. Said by-laws shall not become operative until a copy thereof, duly certified by the president and secretary of the association, shall have been approved by and filed with the Secretary of State.

Proviso as to
filing by-
laws.

SEC. 3. The corporate powers of every building and loan association heretofore organized under the laws of this State, or which may be incorporated under this act, shall be exercised by a board of directors of not less than five members, who shall elect from their own number the officers of the association. The mode of electing members of said board of directors and officers, and their respective terms of office, shall be prescribed in the by-laws.

Corporate
powers, how
exercised.

SEC. 4. The secretary and treasurer of such association, and all other officers who sign or endorse checks, have charge of money or securities of such association, shall, before entering upon the duties of their office, each give such bond for the faithful performance of the same as shall be required and approved by the board of directors. Additional sureties, or such increase of said bonds as they may deem necessary, may be required at any time by the board of directors. Directors shall not be accepted as surety, and shall be individually liable for any loss sustained through their negligence or failure to comply with the provisions of this section.

Certain off-
cers to give
bonds.

Who not ac-
cepted as
surety.

SEC. 5. The authorized capital stock of such association shall be divided into shares having a par value of not less than twenty-five dollars, nor more than two hundred dollars each, payable in periodical installments, called dues, not exceeding two dollars per month on each share: *Provided*, That the by-laws may provide for the advance payment of installment dues and for which there may be issued an advance payment certificate. The shares may be issued in series, or at any time as the by-laws shall determine, and subscriptions therefor shall be made payable to the association. Said shares shall be deemed personal property, transferable upon the books of the association in the manner prescribed in the by-laws, and shall be paid off and retired as the by-laws shall direct. Every share shall be subject to a lien for the payment of unpaid dues and such other charges as may be lawfully incurred thereon under the provisions of this act, and the by-laws may prescribe the manner of enforcing such lien. New shares may be issued in lieu of shares matured, withdrawn, retired or forfeited; but at no time shall the shares issued and in force exceed the aggregate number of shares into which the authorized capital stock is divided as designated in the articles of association: *Provided further*, That any building and loan association heretofore or hereafter incorporated under the laws of this State may, by a resolution adopted by a two-thirds vote of

Shares, dues,
etc.

Proviso as to
advanced pay-
ment of in-
stallment
dues.

Shares, how
issued.

How deemed.

To be subject
to lien.

New shares
may be issued
in lieu of ma-
tured, etc.

Provision as to
increasing
capital stock.

shares represented and voting at any annual meeting, or at any meeting called for that purpose, increase its authorized capital stock and shares, or amend its articles of association, or by-laws, in any manner not inconsistent with the provisions of this act; but no such increase of authorized capital stock nor amendments shall have effect until a copy of such resolution, certified by the president and secretary of the association, shall be filed and recorded in the same manner as is provided in section two of this act for the filing and recording of original articles of association and the filing of by-laws.

Provisions governing withdrawals.

Proviso as to rate of interest.

Further proviso.

When to receive withdrawal value, in case of death.

Further proviso as to funds for payment of withdrawals.

Meetings, when held, etc.

Loans, how and to whom made.

SEC. 6. Any shareholder desiring to withdraw his unpledged shares from any association shall have the privilege to do so by giving thirty days' written notice of such intention, and shall then be entitled to receive the full amount of dues paid in by him or her upon the shares to be withdrawn, and such interest thereon, or such proportion of the profits apportioned thereto, as the by-laws may prescribe, less all fines unpaid, and a pro rata share of losses sustained during the term of his or her membership, and upon shares less than one year old there may be deducted the actual expense incurred in writing such shares, not to exceed fifty cents per share: *Provided*, That the rate of interest or profits paid on withdrawals shall not exceed the rate of net earnings of the association: *Provided further*, That not more than one-half of the funds received by the association in any one month shall be applicable to the payment of withdrawing shareholders unless otherwise ordered by the board of directors; and when the demands of withdrawing shareholders exceed the funds applicable to their payment they shall be paid in the order in which their notices of withdrawal were filed with the association. Within sixty days after the death of a shareholder his or her legal representative shall be entitled to receive the withdrawal value of the unpledged shares of such decedent. No fines shall be charged to a shareholder's account after his or her decease unless his or her legal representative assumes the future payments of dues on such shares: *Provided further*, That not more than two-thirds of the funds received by any association in any one month, which shall include the funds applicable to the payment of withdrawals, shall be applicable to the payment of matured shares without the consent of the board of directors.

SEC. 8. At such times as the by-laws shall designate, not less frequently than once a month, the board of directors shall hold meetings, at which the funds in the treasury applicable for loans shall be loaned to the member who, in open competition, shall bid the highest premium for priority of right to a loan; or in lieu thereof, such funds may be loaned either with or without premium as the borrower may, in writing, agree to pay, in which case the priority of right to a loan shall be decided by the priority of the applications

therefor. The manner in which said premium may be paid shall be prescribed in the by-laws. No loans shall be made by such association to anyone not a member thereof (except as hereinafter provided), nor to any member for an amount greater than the par value of the shares held by such member. Borrowers shall be required to give real estate security, unincumbered except by the prior liens held by such association, accompanied by a transfer and pledge to the association of the shares borrowed upon as collateral security for the repayment of the loan: *Provided*, That no loan made upon real estate security shall exceed in amount two-thirds of the appraised valuation of such real estate: *Provided further*, That the shares of such association may be received as security for the loan of an amount not to exceed ninety per cent of the withdrawal value of such shares: *Provided further*, That, subject to the approval of the Secretary of State, the number of payments of dues, interest and premium required from the borrowing stockholder to pay off his loan and secure a release of his incumbrance may be limited to such a definite number as the by-laws may provide.

Proviso.

Further proviso.

Provided further.

SEC. 9. If the borrower neglects to offer security satisfactory to the board of directors within the time prescribed by the by-laws, his or her right to the loan shall be forfeited, and he or she shall be charged with interest or premium, if any, for one month, together with any expense incurred, and the money appropriated for such loan may be re-loaned at the next or any subsequent meeting.

In case of unsatisfactory security.

Whenever a borrowing shareholder shall be in arrears in the payment of dues, interest or premium for more than four months, the board of directors may, at their discretion, declare the pledged shares forfeited, and the whole amount of the loan due and payable, and its collection, together with the arrears of interest, premium and fines, may be enforced by proceedings upon the security held by the association, in accordance with law: *Provided*, That the withdrawal value of the pledged shares, at the time of commencement of foreclosure proceedings, shall be credited upon the loan.

Proceedings when in arrears.

Proviso.

SEC. 10. Any borrowing shareholder desiring to repay his loan shall have the privilege of doing so at any time, by giving the association thirty days' written notice of such intention. The borrower shall be charged with the amount of the original loan, together with all arrearages of interest, premium and fines, and shall be given credit for the withdrawal value of his shares pledged as security; and the balance shall be received by the association in full satisfaction of said loan: *Provided*, That in cases where the premium is deducted from the loan in a gross sum, and the borrower repays the loan before the expiration of the tenth year from the date upon which said loan was made, such borrower shall be given credit for one-tenth of the premium paid for

Borrowing member may repay loan.

Proviso.

Further
proviso.

every year of the said ten years then unexpired: *Provided further*, That any borrower desiring to retain his or her shares and membership may repay his loan without claiming credit for the withdrawal value of said shares, whereupon said shares shall be re-transferred to him or her, and shall be free from any claim by reason of said loan.

Secretary of
State to have
supervision.

Proviso.

Salary and ex-
penses of
chief of Build-
ing and Loan
Division.

When to file
statement
with Secretary
of State.

What to set
forth.

Forfeiture for
failure to file.

Examinations,
when and how
made.

SEC. 18. The Secretary of State shall have supervision of all building and loan associations doing business in this State, and shall be charged with the execution of the laws of this State relating to such associations: *Provided*, That during the absence or disability of the Secretary of State and deputy secretary of state, the chief of the building and loan division in the department of state shall be authorized to perform all the duties relating to the control and supervision of such associations and the execution of the laws above described. Said chief of the building and loan division shall receive a salary of fifteen hundred dollars per year. He shall also receive necessary traveling expenses connected with the duties of his office, which, when audited by the Board of State Auditors, shall be paid by the State Treasurer on the warrant of the Auditor General.

SEC. 19. Every building and loan association doing business within this State shall, on the first day of July of each year, or within sixty days thereafter, file with the Secretary of State a full and detailed statement of its financial condition on the thirtieth day of the preceding June, and the business transacted during the preceding year. Said statement shall set forth the amount and character of its assets, liabilities, receipts and disbursements, and shall contain such other information, and be in such form as the Secretary of State may prescribe, and shall be subscribed and sworn to by the secretary and treasurer of such association. Any such association refusing or neglecting to file the annual statement herein required within the period hereinbefore prescribed, shall forfeit five dollars per day for each and every day such statement shall be withheld; and the Secretary of State may maintain an action in the name of the State to recover such penalty, which upon its collection shall be paid into the State treasury.

SEC. 20. Once in each year, or oftener, if in the opinion of the Secretary of State, it shall be necessary, the Secretary of State shall make, or cause to be made, an examination into the affairs of all building and loan associations doing business in this State. Such examinations shall be full and complete, and in making the same the examiner shall have full access to, and may compel the production of all books, papers, and moneys, etc., of the association under examination, and may administer oaths to and examine the officers of such association, or any other person connected therewith, as to its business and affairs.

The Secretary of State may appoint such special examiners as may be necessary to carry out the provisions of this act. Such examiners shall each be paid at the rate of five dollars per day; they shall also receive necessary traveling expenses connected with the duties of their office, which, when audited by the Board of State Auditors, shall be paid by the State Treasurer on the warrant of the Auditor General.

Special ex-
aminers.

Compensation.

SEC. 21. Whenever it shall appear to the Secretary of State that the affairs of any such association are in an unsound condition, or that it is conducting its business in an unsafe or unlawful manner, the Secretary of State shall at once notify the board of directors of such association, giving them twenty days in which to restore its affairs to a safe and sound condition or to discontinue its illegal practices. If after twenty days such restoration shall not have been made, or such illegal practices shall not have been discontinued, the Secretary of State shall order one of the examiners, appointed to examine such associations, to take possession of all books, records and assets of every description of such association, and hold and retain possession of same pending the further proceedings hereinafter specified. Should the board of directors, secretary, or person in charge of such association, refuse to permit the said examiner to take possession as aforesaid, the Secretary of State shall communicate such fact to the Attorney General, whereupon it shall become the duty of the Attorney General at once to institute such proceedings as may be necessary to place such examiner in immediate possession of the property of such association. Upon taking possession of the effects of the association as aforesaid, said examiner shall prepare a full and true statement of the affairs and conditions of such association, including an itemized statement of its assets and liabilities, and shall receive and collect all debts, dues and claims belonging to it, and may pay the immediate and reasonable expense of his trust. Said examiner shall be required to execute to the Secretary of State a good and sufficient special bond conditioned upon the faithful discharge of his duties as custodian of such association, which said bond shall be approved by the Secretary of State.

General pow-
ers and duties
of Secretary
of State as to
affairs of asso-
ciations when
deemed un-
sound, etc.

The Secretary of State shall, within fifteen days next after said examiner has acquired possession of the property of such association, convene a special meeting of the shareholders for the purpose of considering and acting upon the examiner's report of the affairs and condition of such association as found by him from his examination thereof. The shareholders may, at said special meeting, by the votes of those owning two-thirds of the shares in force, resolve to go into liquidation, and for that purpose may, by a majority vote of those present, elect from among their number a conservator and fix his compensation. A copy of said resolution, duly certified by the presiding officer and secretary of said

special meeting, together with the name and address of the conservator thus elected, shall be filed with the Secretary of State. Said conservator shall be charged with a proper distribution of the assets, discharge of all liabilities and final closing up of the business of such association, and before he shall enter upon the duties of his office he shall be required to execute to the association a good and sufficient bond, conditioned upon the faithful discharge of his duties, which bond shall be approved by and filed with the Secretary of State. Upon the election and qualification of said conservator as aforesaid, the said examiner shall, when so ordered by the Secretary of State, turn over and deliver to said conservator all the books, papers, money and effects of every description in his hands belonging to such association. Said conservator shall, upon the completion of the duties entrusted to him, prepare a statement to that effect, reciting therein that all the liabilities of such association have been completely discharged, and its assets and property distributed among all the persons entitled thereto. Said statement shall be subscribed and sworn to by said conservator and filed with the Secretary of State, and a notice of such a dissolution shall be published for three successive weeks in any newspaper published in the county wherein the principal office of such association is located. Upon the filing of said statement and making publication as aforesaid, such association shall be deemed dissolved.

Proceedings
for appointment
of a receiver.

SEC. 22. If, after having called a meeting of the shareholders as herein provided, the Secretary of State shall find that liquidation by the shareholders cannot be had, or consummated, he shall communicate such fact, together with a statement of the condition of the association, to the Attorney General, who shall thereupon institute the necessary proceedings to enjoin such association from doing any further business, and for the appointment of a receiver therefor.

When shares
declared
forfeited.

SEC. 23. If a shareholder be in arrears in the payment of dues upon unpledged shares, the board of directors may, if the shareholder fails to pay the amount in arrears within thirty days after notice, declare said shares forfeited. The withdrawal value of said shares at the time of forfeiture shall be ascertained and paid to such shareholder upon such notice as shall be required of a withdrawing shareholder: *Provided*, That fines for the non-payment of dues, interest or premium shall not exceed one per cent per month on each dollar in arrears.

Proviso.

Gross earnings
to be ascer-
tained.

SEC. 24. The gross earnings of every building and loan association shall be ascertained at least once in each year, from which shall be deducted a sufficient amount to meet the operating expenses of such association, and from said earnings only shall such expenses be paid. From the balance of the earnings there shall be set aside at least one per cent annually as a reserve fund, until such fund reaches five per

Funds set
aside from.

cent of the outstanding loans, at which rate it shall thereafter be maintained and held by annual appropriations from the earnings. From said reserve fund shall be paid all losses sustained by such association from depreciation of securities or otherwise. After providing for the expenses of the association, and the reserve fund as aforesaid, the residue of such earnings shall be transferred and apportioned to the credit of shareholders as the association by its by-laws shall provide.

SEC. 25. At the annual meeting, or at any meeting called for that purpose, any two or more building and loan associations organized under the laws of this State may, by a majority vote of all the shareholders of each of the different associations, resolve to consolidate into one, upon such terms as shall be mutually agreed upon by the directors of such association. Any shareholder not consenting to such consolidation shall be entitled to receive the withdrawal value of his stock in settlement, or, if a borrower, to have such value applied in part settlement of his loan: *Provided*, That such consolidation shall not take effect until a copy of said resolution, certified by a majority of the board of directors of each association, shall be filed with the Secretary of State.

Associations
may consoli-
date.

Proviso as to
taking effect.

SEC. 26. At the annual meeting, or at any meeting called for that purpose, any building and loan association of this State may, by the votes of shareholders owning two-thirds of the shares in force, resolve to liquidate and dissolve the corporation. In order to facilitate such dissolution, the board of directors may, if they deem it advisable, sell and transfer the mortgage securities and other property of such association to another corporation, person or persons, subject, however, to the vested and accrued rights of the mortgagors: *Provided*, That before said resolution shall have effect, a copy thereof, certified by the president and secretary of such association, together with an itemized statement of its assets and liabilities, sworn to by a majority of the board of directors, shall be filed with the Secretary of State. After filing a copy of the resolution as aforesaid, it shall be unlawful for such association to issue stock or make any loans, but all of its income and receipts, in excess of the actual expenses of management, shall be applied to the discharge of its liabilities.

May liquidate
and dissolve
corporation.

Proviso as to
taking effect.

When unlaw-
ful to issue
stock, etc.

SEC. 27. Every officer, director, member of any committee, clerk or agent of any building and loan association doing business in this State, who embezzles, abstracts or misapplies any of the moneys, funds or credits of such corporation, who issues or puts into circulation any warrant or other order, who assigns, transfers, cancels or delivers up any note, bond, draft, mortgage, judgment, decree, or any other written instrument belonging to such association; who certifies to or makes any false entry in any book, report or statement of or to such association, with intent in either case to deceive, injure or defraud such association, or any member thereof,

Embezzle-
ment, etc., a
felony.

or to deceive anyone appointed to examine the affairs of such association, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison, or in the State House of Correction and Branch of State Prison, or in the State House of Correction and Reformatory, for a period of not less than one year nor more than ten years.

Imprisonment. Any officer, whose duty it is, failing to make the reports required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than six months.

Failure to report, a misdemeanor.

Penalty.

Secretary of State to report to Governor. SEC. 28. The Secretary of State shall annually, at the earliest possible date after the statements required of such associations are received, make a report to the Governor of the general conduct and condition of all building and loan associations doing business in this State, including the information contained in such statements, arranged in tabular form, together with such suggestions as he may deem expedient. There shall be printed of said report as many copies as the Secretary of State shall deem necessary.

Printed report, number of.

Fees. SEC. 29. Every building and loan association organized under the laws of this State shall be subject to and shall pay to the Secretary of State the following fees, which fees shall be paid into the State treasury, to wit: For filing articles of association, by-laws, amendments, or any other paper, one dollar; for making and certifying to articles of association, by-laws, or any other papers required to be filed with the Secretary of State, twenty cents per folio of one hundred words; for making the annual examination herein provided, one seventy-fifth part of one per cent of the gross amount of assets of such association, which fee shall be paid at the time of filing its annual statement: *Provided*, That the examination fee of any association shall not be less than twenty dollars nor more than one hundred dollars in any one year: *Provided further*, That the expenses incurred and services, other than examinations, performed especially for such association shall be paid in full by such association.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved March 12, 1901.

[No. 18.]

AN ACT to amend section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled, "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber, as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section number ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven, be, and the same is hereby amended to read as follows:

SECTION 1. That any person or persons who perform any labor or services in manufacturing lumber or shingles in or about any lumber or shingle mill, or in cutting, skidding, falling, hauling, scaling, banking, driving, running, rafting, or booming any logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cord-

Section amended.

Lien upon lumber, timber, etc., for labor.

Imprisonment.	<p>or to deceive anyone appointed to examine the affairs of such association, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison, or in the State House of Correction and Branch of State Prison, or in the State House of Correction and Reformatory, for a period of not less than one year nor more than ten years.</p> <p>Any officer, whose duty it is, failing to make the reports required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than six months.</p>
Failure to report, a misdemeanor.	
Penalty.	
Secretary of State to report to Governor.	<p>SEC. 28. The Secretary of State shall annually, at the earliest possible date after the statements required of such associations are received, make a report to the Governor of the general conduct and condition of all building and loan associations doing business in this State, including the information contained in such statements, arranged in tabular form, together with such suggestions as he may deem expedient. There shall be printed of said report as many copies as the Secretary of State shall deem necessary.</p>
Printed report, number of. Fees.	<p>SEC. 29. Every building and loan association organized under the laws of this State shall be subject to and shall pay to the Secretary of State the following fees, which fees shall be paid into the State treasury, to wit: For filing articles of association, by-laws, amendments, or any other paper, one dollar; for making and certifying to articles of association, by-laws, or any other papers required to be filed with the Secretary of State, twenty cents per folio of one hundred words; for making the annual examination herein provided, one seventy-fifth part of one per cent of the gross amount of assets of such association, which fee shall be paid at the time of filing its annual statement: <i>Provided</i>, That the examination fee of any association shall not be less than twenty dollars nor more than one hundred dollars in any one year: <i>Provided further</i>, That the expenses incurred and services, other than examinations, performed especially for such association shall be paid in full by such association.</p>
Proviso.	
Further proviso.	
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Section
amended.

Lien upon
lumber, tim-
ber, etc., for
labor.

or to deceive anyone appointed to examine the affairs of such association, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison, or in the State House of Correction and Branch of State Prison, or in the State House of Correction and Reformatory, for a period of not less than one year nor more than ten years.

Imprisonment. Any officer, whose duty it is, failing to make the reports required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than six months.

Failure to report, a misdemeanor.

Penalty.

Secretary of State to report to Governor. SEC. 28. The Secretary of State shall annually, at the earliest possible date after the statements required of such associations are received, make a report to the Governor of the general conduct and condition of all building and loan associations doing business in this State, including the information contained in such statements, arranged in tabular form, together with such suggestions as he may deem expedient. There shall be printed of said report as many copies as the Secretary of State shall deem necessary.

Printed report, number of.

Fees. SEC. 29. Every building and loan association organized under the laws of this State shall be subject to and shall pay to the Secretary of State the following fees, which fees shall be paid into the State treasury, to wit: For filing articles of association, by-laws, amendments, or any other paper, one dollar; for making and certifying to articles of association, by-laws, or any other papers required to be filed with the Secretary of State, twenty cents per folio of one hundred words; for making the annual examination herein provided, one seventy-fifth part of one per cent of the gross amount of assets of such association, which fee shall be paid at the time of filing its annual statement: *Provided*, That the examination fee of any association shall not be less than twenty dollars nor more than one hundred dollars in any one year: *Provided further*, That the expenses incurred and services, other than examinations, performed especially for such association shall be paid in full by such association.

Proviso.

Further proviso.

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Approved March 12, 1901.

[No. 18.]

AN ACT to amend section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled, "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber, as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section number ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven, be, and the same is hereby amended to read as follows:

SECTION 1. That any person or persons who perform any labor or services in manufacturing lumber or shingles in or about any lumber or shingle mill, or in cutting, skidding, falling, hauling, scaling, banking, driving, running, rafting, or booming any logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cord-

Section amended.

Lien upon lumber, timber, etc., for labor.

Imprisonment.	or to deceive anyone appointed to examine the affairs of such association, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison, or in the State House of Correction and Branch of State Prison, or in the State House of Correction and Reformatory, for a period of not less than one year nor more than ten years.
Failure to report, a misdemeanor.	Any officer, whose duty it is, failing to make the reports required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than six months.
Penalty.	
Secretary of State to report to Governor.	<p>SEC. 28. The Secretary of State shall annually, at the earliest possible date after the statements required of such associations are received, make a report to the Governor of the general conduct and condition of all building and loan associations doing business in this State, including the information contained in such statements, arranged in tabular form, together with such suggestions as he may deem expedient. There shall be printed of said report as many copies as the Secretary of State shall deem necessary.</p>
Printed report, number of. Fees.	<p>SEC. 29. Every building and loan association organized under the laws of this State shall be subject to and shall pay to the Secretary of State the following fees, which fees shall be paid into the State treasury, to wit: For filing articles of association, by-laws, amendments, or any other paper, one dollar; for making and certifying to articles of association, by-laws, or any other papers required to be filed with the Secretary of State, twenty cents per folio of one hundred words; for making the annual examination herein provided, one seventy-fifth part of one per cent of the gross amount of assets of such association, which fee shall be paid at the time of filing its annual statement: <i>Provided</i>, That the examination fee of any association shall not be less than twenty dollars nor more than one hundred dollars in any one year: <i>Provided further</i>, That the expenses incurred and services, other than examinations, performed especially for such association shall be paid in full by such association.</p>
Proviso.	This act is ordered to take immediate effect.
Further proviso.	Approved March 12, 1901.

[No. 18.]

AN ACT to amend section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled, "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber, as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred twenty-nine of the public acts of eighteen hundred eighty-seven, approved June twenty-four, eighteen hundred eighty-seven, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cordwood, pulpwood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"' " being compiler's section number ten thousand seven hundred fifty-six of the compiled laws of eighteen hundred ninety-seven, be, and the same is hereby amended to read as follows:

SECTION 1. That any person or persons who perform any labor or services in manufacturing lumber or shingles in or about any lumber or shingle mill, or in cutting, skidding, falling, hauling, scaling, banking, driving, running, rafting, or booming any logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cord-

Section
amended.

Lien upon
lumber, tim-
ber, etc., for
labor.

Person, how
construed.

wood, pulpwood, hop poles, hoop poles, veneering wood or any other forest products in this State, or in hauling any manufactured forest products above enumerated from place of manufacture to place where deposited for shipment by railroad or by water, or to any other place of destination, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims or liens thereon. The word person or persons in this section shall be interpreted to include cooks, blacksmiths, artisans and all others usually employed in performing such labor and services.

This act is ordered to take immediate effect.

Approved March 15, 1901.

[No. 19.]

AN ACT making appropriation for the completion of two detached buildings for patients at the Eastern Michigan Asylum for the fiscal year ending June thirtieth, nineteen hundred and two, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

Proviso as to
money for im-
mediate use.

How paid.

To be incor-
porated in
State tax.

SECTION 1. There is hereby appropriated the sum of ten thousand dollars for the completion of two detached buildings for patients, now in course of construction on the grounds of the Eastern Michigan Asylum: *Provided*, That the board of trustees may obtain money under this section before July first, nineteen hundred and one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 2. The amount appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Eastern Michigan Asylum at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred and one the sum of ten thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved March 15, 1901.

[No. 20.]

AN ACT to amend section two and section seven of public act number two hundred and seventeen of eighteen hundred ninety-seven, being "An act to provide for the registration of deaths in Michigan and requiring certificates of death," and being sections four thousand six hundred and fifteen and four thousand six hundred and twenty of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section two and section seven of public act number two hundred and seventeen of eighteen hundred ninety-seven, and being sections four thousand six hundred and fifteen and four thousand six hundred and twenty of the compiled laws of eighteen hundred ninety-seven be amended to read as follows: Sections amended.

SEC. 2. Whenever any person shall die, the undertaker, householder, relative, friend, manager of institution, sexton or other person superintending the burial of said deceased person, shall cause a certificate of death to be filled out with all of the personal and family particulars required in section three of this act, and attested by the signature of a relative or some competent person acquainted with the facts. The physician who attended the deceased person during his last illness shall fill out the medical certificate of cause of death, which death certificate shall be delivered to the registrar within the time designated, if any, by the local board of health. In case of death without the attendance of a physician, or if it shall appear probable that the deceased person came to his death by unlawful or suspicious means, then the registrar shall refer the certificate to the health officer or coroner for immediate investigation and report prior to issuing the permit: *Provided*, That when the health officer is not a physician and only in such case, the registrar is authorized to insert the facts relating to the cause of death from statements of relatives or other competent testimony. Upon the presentation of a certificate of death properly filled out and signed, the registrar shall issue a permit for the burial or removal of the body and shall immediately record the death in the register of deaths, numbering all certificates consecutively in the order in which they are received, beginning with number one for the first death that occurs in each year. In deaths from dangerous communicable diseases, burial or removal permits shall be granted by the registrar only in accordance with the rules of the local board of health and of the State Board of Health relating thereto. The sexton or other person having charge of the interment or final disposition of the body shall retain the burial permit when presented to him by the undertaker: *Provided*, That when Who shall obtain death certificate.

Physician to certify to cause of death.

Physician to certify to cause of death.

Deaths from dangerous communicable diseases.

Proviso.

Proviso.

a body is shipped the removal permit shall be presented by the undertaker or other person shipping the same to the agent of the transportation company, and shall be attached by him, with the transit permit, to the box containing the body, to accompany the same to destination, and no transit permit shall be issued or received by any transportation company for the shipment of a body unless accompanied by the registrar's removal permit.

Repealing
clause.

Proviso as to
year 1897.

Proviso as to
local board of
health.

Proviso as to
sparsely set-
tled town-
ships.

SEC. 7. All of the part of act number one hundred and ninety-four of eighteen hundred and sixty-seven, as amended by act number one hundred and twenty-five of eighteen sixty-nine, relating to the collection and return of deaths and inconsistent with this act is hereby repealed: *Provided*, That the returns of deaths for the calendar year eighteen hundred and ninety-seven shall be duly collected and compiled under the provisions of said act: *Provided further*, That it shall be the duty of the local boards of health to see that the provisions of this act are enforced: *Provided further*, That in sparsely settled townships, having an average density of population of less than five person per square mile at the time of the last preceding United States or State census, burial permits shall not be required in advance of interment when impracticable to obtain them, but in all such cases the certificate of death shall be filed with the registrar at the earliest practicable moment, not to exceed ten days after death, and not later than the fourth day of the following calendar month.

This act is ordered to take immediate effect.

Approved March 18, 1901.

[No. 21.]

AN ACT to amend act number two hundred three of the public acts of eighteen hundred seventy-seven, entitled "An act relative to dividing townships and villages into election districts, and to provide for the registration of electors in such cases," approved May twenty-third, eighteen hundred seventy-seven, by adding one new section to said act.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number two hundred three of the public acts of eighteen hundred seventy-seven, entitled "An act relative to dividing townships and villages into election districts, and to provide for the registration of electors in such cases," approved May twenty-third, eighteen hundred seventy-seven, be and the same is hereby amended by adding

one new section thereto, to stand as section fourteen and to read as follows:

SEC. 14. The township board of any township which has been or may hereafter be divided into two or more election districts under the provisions of this act, may at any time abolish said division into election districts, and said action so abolishing said division into election districts shall be entered upon the records of said board, and subsequent elections in said township shall be conducted in the same manner as if no division of said township into election districts had ever been made: *Provided however*, That this act shall not apply to divisions made by special act of the State legislature. May abolish divisions into election districts. Proviso.

This act is ordered to take immediate effect.

Approved March 20, 1901.

[No. 22.]

AN ACT to prevent deception in the manufacture and sale of imitation butter.

The People of the State of Michigan enact:

SECTION 1. No person, by himself or his agents, or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter. Unlawful to manufacture and sell imitation butter. Proviso.

SEC. 2. Whoever violates any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense. Penalty for violation.

Approved March 26, 1901.

[No. 23.]

AN ACT to provide for screening the outlet and inlets of Tamarack lake in the township of Cato, Montcalm county, and to prohibit fishing in said lake in any manner, except with the hook and line.

The People of the State of Michigan enact:

Warden to maintain wire screens in Tamarack lake.

Expense, how paid.

How unlawful to take fish.

Destruction of screen a misdemeanor.

Penalty.

Evidence of violation.

SECTION 1. That it shall be the duty of the State Game and Fish Warden to provide and maintain wire screens of meshes one inch square, at the outlet and inlets of Tamarack lake, Montcalm county of this State, for the purpose of preventing fish from passing out of said lake, and for the propagation of fish therein. The expense of the construction and maintenance of such screens shall be certified by the State Game and Fish Warden and audited by the board of trustees of the village of Lakeview, a corporation in said Montcalm county, and be paid out of any money belonging to the general fund of said village not otherwise appropriated.

SEC. 2. It shall be unlawful for any person to take, catch or kill any fish in Tamarack lake, in said county of Montcalm, with a spear, net, grab hook, or by use of jacks or artificial light, or any kind of firearms or explosive material, set lines or other device whatsoever, except the hook and line in the hand, or in immediate control.

SEC. 3. Any person destroying, injuring or removing any of the screens provided for in section one of this act, or violating any of the provisions of section two of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days.

SEC. 4. In all prosecutions under this act it shall be prima facie evidence on the part of the people, of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lake with spear, net, trap net, jack or artificial light of any kind, or with dynamite, giant powder or any explosive substance or combination of explosive substances.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 24.]

AN ACT for the protection of fish in the lake known as Clam lake, in Antrim county, and in Grass river flowing in and Clam river flowing out thereof.

The People of the State of Michigan enact:

SECTION 1. That it shall not hereafter be lawful to catch, kill or destroy, in any manner, any fish in the lake known as Clam lake, in Antrim county, nor in the river known as Grass river flowing into said lake or in Clam river flowing out of said lake, save only from the first day of April to the first day of December in each year, and then with hook and line only. When unlawful to kill fish in Clam lake.

SEC. 2. Any person offending against any of the provisions of this act shall, upon conviction thereof before any court of competent jurisdiction, be liable to a fine of not to exceed one hundred dollars or imprisonment in the county jail not to exceed sixty days for each offense. Penalty for violation of act.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 25.]

AN ACT to amend compiler's section two thousand and sixty-two of chapter seventy-four of the compiled laws of the year one thousand eight hundred and ninety-seven as amended by section eleven of act number sixty-two of the public acts of the year one thousand eight hundred and ninety-nine relative to the admission of inmates to the Michigan Soldiers' Home.

The People of the State of Michigan enact:

SECTION 1. That compiler's section two thousand sixty-two of chapter seventy-four of the compiled laws of the year one thousand eight hundred and ninety-seven, as amended by section eleven of act number sixty-two of the public acts of the year one thousand eight hundred and ninety-nine, relative to the admission of inmates to the Michigan Soldiers' Home, be, and the same is amended to read as follows: Section amended.

SEC. 2062. All honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States, in the late war of the rebellion, the Mexican war, the Spanish American war, or the war in the Philippines, and who are disabled by disease, wounds or otherwise, and who Who entitled to admission to home.

Proviso as to
service or
residence.

have no adequate means of support and by reason of such disability are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said home, subject to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said home: *Provided*, That no applicant shall be admitted to said home unless he served in a Michigan regiment or was accredited to the State of Michigan, or was a resident of the State of Michigan, in case of his serving in the Mexican war or the war of the rebellion, for one year prior to June five, eighteen hundred eighty-five; if serving in the Spanish-American war, for one year prior to May two, eighteen hundred ninety-nine; if serving in the war in the Philippines, for one year next preceding the date of the passage of this act.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 26.]

AN ACT to amend section one of act number one hundred fifty-six of the public acts of eighteen hundred fifty-one, the same being section two thousand four hundred seventy-five of the compiled laws of eighteen hundred ninety-seven, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local administrative and legislative powers."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number one hundred fifty-six of the public acts of eighteen hundred fifty-one, the same being section two thousand four hundred seventy-five of the compiled laws of eighteen hundred ninety-seven, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local administrative and legislative powers," be and the same is hereby amended so as to read as follows:

Meetings of
boards of su-
pervisors.

SECTION 1. That the supervisors of the several townships and cities in each of the counties in this State shall meet annually in their respective counties for the transaction of business as a board of supervisors; they may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time as they may deem necessary.

The annual meetings of the board of supervisors shall be held on the second Monday of October in each year at the court house in their respective counties if there be one, and if there be none, then at some place at the county seat, if there be one, and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which such clerk shall give three weeks' public notice by publishing the same in some one or more newspapers printed and circulated in said county, if there be any such, and if none, then in some one or more newspapers nearest thereto having a general circulation in said county: *Provided*, That but one legal newspaper rate for printing the same shall be allowed: *Provided further*, That a regular meeting of the board of supervisors in and for the county of Lenawee shall be held on the second Tuesday of April in each year at the court house in said county.

Notice, how given.

Proviso.
Further proviso.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 27.]

AN ACT to provide for a special county drain commissioner, and to prescribe his powers and duties.

The People of the State of Michigan enact:

SECTION 1. That whenever the county drain commissioner of any county shall receive a petition asking for the laying out, cleaning out, deepening or widening of any drain, or a petition asking proceedings by virtue of which any assessment upon lands for benefits received would result, wherein such county drain commissioner shall be interested by reason of himself, wife or child, owning lands that would be liable to an assessment for benefits upon the work or proceeding proposed to be done or had, and in cases where such county drain commissioner may be otherwise disqualified to act in the premises, such county drain commissioner shall file such petition with the judge of probate of the county, together with a statement signed by him, showing that he is disqualified to act in the premises.

Proceedings when county drain commissioner interested.

SEC. 2. Where the fact of such disqualification is known to the signers of the petition, they may file such petition directly with the judge of probate, at their option, requesting the appointment of a special county drain commissioner to act upon the drain in question.

When petition filed with probate judge.

Notice of hearing for appointment of special commissioner, what to contain, etc.

SEC. 3. Upon receiving such petition, and certificate or request aforesaid, the judge of probate shall give notice by publication of the filing of a petition, and of a day of hearing to consider the appointment of such special county drain commissioner. Such notice shall recite that a petition affecting a certain drain, naming the location in the townships to be affected thereby, has been filed with him, and that it is claimed that the county drain commissioner is disqualified to act thereon, and shall fix the day of hearing to determine whether such county drain commissioner is disqualified, and if he is, to appoint a special county drain commissioner in the premises. Such notice shall be printed in some newspaper published and of general circulation in the county in which the drain is situate for two weeks next prior to the day of hearing so fixed. Such publication shall be full and complete notice to any and all parties in interest.

Proceedings of judge relative to hearing allegations.

SEC. 4. On such day of hearing or to such other time or times as the court may adjourn, not exceeding thirty days in all, the court shall proceed to hear the allegations of the parties in interest and shall determine whether or not the county drain commissioner is disqualified to act in the premises. If the county drain commissioner shall be found not to be disqualified, the court shall order the proceedings before it dismissed and turn such petition over to the county drain commissioner for his action thereon. If the county drain commissioner shall be found to be disqualified in the premises, the court shall thereupon appoint some disinterested resident freeholder of said county, not a resident or freeholder of the townships proposed to be affected by the drain in question, to act as a special county drain commissioner of and over the drain in question.

Powers and duties conferred upon special commissioner.

SEC. 5. For the purpose of carrying on and completing the proceedings on said drain, and the construction and work thereon, such special county drain commissioner shall have all of the powers of the county drain commissioner over said drain and its drainage or assessing district, and shall take all of the steps and proceedings the county drain commissioner should take by law in like circumstances where he is not interested.

When to qualify and file bond.

SEC. 6. Such special county drain commissioner shall qualify within ten days after notice of such appointment, before the judge of probate, giving a bond in the penal sum of two thousand dollars, with surety or sureties to be approved by such judge of probate, conditioned in the same manner as is required in the bond of the county drain commissioner.

Compensation.

SEC. 7. Such special county drain commissioner shall receive the same compensation as shall be allowed to the county drain commissioner, and his services shall be audited and allowed in the same manner as is or shall be provided for auditing and allowing the services of the county drain com-

missioner, and shall be paid from the drain fund of the drain upon which he works.

SEC. 8. Such special county drain commissioner shall make his assessment for benefits, and rolls upon such drain, and deliver the same to the county drain commissioner, by him to be delivered to the proper officers with his other rolls. Such special county drain commissioner shall likewise certify to the county drain commissioner the orders to be drawn upon such drain fund, and the county drain commissioner shall draw the orders so certified: *Provided*, The county drain commissioner shall not be obliged to draw such orders if he shall ascertain that the work for which they are to be given is not done as certified.

To make special assessments, etc.

Proviso.

SEC. 9. On the completion of the proceedings and the construction of the drain in question, such special county drain commissioner shall deliver all of his papers and proceedings upon said drain to the county drain commissioner to be by him recorded as in other cases.

Duty on completion of proceedings.

SEC. 10. In the case of a drain affecting more than one county, and any county drain commissioner shall be disqualified to act thereon, a special county drain commissioner for that county shall be appointed in the manner herein provided, with the powers and duties herein provided.

When drain affects more than one county.

SEC. 11. The county drain commissioner shall furnish such special drain commissioner the necessary papers and stationery, to be paid for out of the general fund of the county.

To be furnished papers, etc.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 28.]

AN ACT to provide for the incorporation of Evangelical Lutheran deaf mute institutions.

The People of the State of Michigan enact:

SECTION 1. That any number of not less than ten of congregations affiliated with the Evangelical Lutheran Synodical Conference of North America, which have been duly incorporated under the laws of the several states wherein their respective places of worship are located, may unite and form a union, and may become incorporated under the provisions of this act.

Number that may incorporate.

SEC. 2. Any such congregations, not less than ten, desiring to form a corporation under this act, shall designate one of their members by appropriate resolution, to be entered in the

To designate member to execute articles.

	records of such congregations, to act in executing articles of association under this act.
Delegates to execute articles of association.	SEC. 3. Such delegates may in behalf of their respective congregations, make and execute, under their hands and seals, articles of association, which articles of association shall be acknowledged before some officer of this State who has authority to take acknowledgment of deeds, and shall set forth:
Name and location.	First. The names of the congregations associated, in the first instance, and their respective locations, and the names of the delegates acting in behalf of said congregations, together with the dates when such delegates were authorized by their respective congregations to act as such;
Corporate name.	Second. The corporate name by which such association shall be known in the law;
Object and purposes.	Third. The object and purpose of such association, which shall be to build, operate, maintain and support evangelical deaf mute institutions, and to have the scholars sent to them educated in the Lutheran faith, in accordance with the symbolical books of the Evangelical Lutheran church;
Office.	Fourth. The place where the principal office of said association is to be located, also the location of the institution which such corporation expects to erect, operate and maintain;
Names of officers.	Fifth. The names of the officers of such association, the length of their respective terms of office, and the time and manner in which they shall be chosen;
Period of incorporation.	Sixth. The period for which such association is incorporated, which shall not exceed thirty years.
How governed.	SEC. 4. The governing body of such association shall be a board of trustees, consisting of not less than seven nor more than fifteen, the manner of whose election and whose qualifications for office shall be fixed by the by-laws: <i>Provided</i> , That the incorporators may name in the articles of association the first officers and trustees, who shall hold office until the first annual meeting of the association, and until their successors shall have been duly elected and qualified.
Proviso.	SEC. 5. Such articles of association shall be filed with the Secretary of State, and thereupon such association shall be a body corporate by the name set forth in such articles of association, capable of taking, holding and disposing of real and personal property, of suing and being sued, and of having a common seal, which may be altered or changed at their pleasure: <i>Provided</i> , That the value of such real estate shall not exceed fifty thousand dollars. Such corporation shall have full power to adopt a constitution, and to make and establish rules, regulations and by-laws for regulating and governing all the affairs of such corporation.
Articles, where filed.	This act is ordered to take immediate effect.
Proviso as to real estate.	Approved March 26, 1901.

[No. 29.]

AN ACT to provide for the incorporation of Free Methodist churches.

The People of the State of Michigan enact:

SECTION 1. It shall be lawful for any number of mem- Number who may incorporate.
bers of the Free Methodist church, of full age, not less than
five, with the consent of the district elder of the district in
which the proposed church is to be located, to organize and
procure the incorporation of a Free Methodist church.

SEC. 2. The persons desiring to organize such church shall To execute articles of association.
execute and acknowledge, before any person authorized to
take acknowledgment of deeds, articles of association in
writing, whereby they shall agree to organize a church, which
shall be governed by the discipline, rules and usages of the
Free Methodist church. To such articles of association there
shall be attached a certificate by the district elder of the
district in which said church is to be located, that the said
church was organized by and with the consent of said district
elder.

SEC. 3. Said articles of association shall contain the What articles to contain.
following items: First, the name of said church; second,
the township, village or city, and the county in which said
church shall be located; third, the time for which corpo-
ration shall be created; fourth, an agreement to worship
and labor together according to the discipline, rules and
usages of the Free Methodist church. Said articles may be Form.
in the following form: We, the undersigned, desiring to
become incorporated under the provisions of act number
..... of the public acts of nineteen hundred one, entitled
"An act to provide for the incorporation of Free Methodist
churches," do hereby make, execute and adopt the following
articles of association, to wit:

First, The name assumed by this corporation, and by
which it shall be known in law, is "The.....Free
Methodist church;"

Second, The location of said church shall be in the.....
..... of....., county of....., and
State of Michigan;

Third, The time for which said corporation shall be created
shall not exceed thirty years from....., the date
of its organization;

Fourth, The members of said church shall worship and
labor together according to the discipline, rules and usages
of the Free Methodist church of North America, as from time
to time authorized and declared by the general conference
of said church and the annual conference within whose
bounds said corporation is situated.

In witness whereof, we, the parties hereby associating for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence.

Done at the.....of....., county of....., and State of Michigan, this.....day of....., A. D. 19..

(Signatures.)

(Residences.)

STATE OF MICHIGAN, }
County of..... } ss.

On this.....day of....., A. D. 19.., before me, a.....in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

I,, district elder of the..... district, of the.....annual conference of the Free Methodist church, the same being the district in which the church mentioned in the foregoing articles of association is to be, or is now located, do hereby certify that such church was organized by and with my consent and concurrence.

Dated at....., Mich.,, A. D. 19..

.....,
District Elder.

Articles, how
executed and
where re-
corded.

SEC. 4. Said articles of association shall be executed in duplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation, and one copy shall be recorded in the office of the county clerk of the county where such corporation is formed. When said articles of association and said certificate of the district elder shall have been recorded or left for record in the office of said county clerk, the said persons so signing the said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the discipline, rules and usages of the Free Methodist church, shall thereby become, and thenceforth be, a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights and privileges appertaining to religious corporations by the laws of this State.

To be subject
to certain dis-
cipline.

SEC. 5. Said church, when so organized, shall be subject in all matters of church government and ecclesiastical polity to the discipline, usages and ministerial appointments of the Free Methodist church of North America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds such corporation may be situated.

Secular affairs,
how managed.

SEC. 6. The secular affairs of such church shall be managed by a board of trustees consisting of not less than three

nor more than nine members, to be elected by said corporation from the membership of the church, the said trustees to hold their office for the term of one year. Vacancies in said board may be filled at any time for the balance of the term, by an election as in other cases.

SEC. 7. Said corporation may have a seal and alter the same at pleasure; it may, in its corporate name, sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold the debts, demands, rights, privileges, and all property, whether real or personal, of whatever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation.

May have a seal.

May convey real and personal property.

The board of trustees may authorize certain of the officers of said board to affix the corporate name and seal of the corporation, and to execute and attest conveyances, notes, obligations, acquittances and all other legal documents.

Seal to be affixed to certain documents.

It may sell (but not mortgage) or otherwise dispose of its personal property. And it may, under restrictions hereinafter provided, sell, mortgage, or otherwise dispose of or encumber its real estate, but not for current expenses. It may hold so much land as may be needful for the proper purposes of said church and its parsonages. It may also hold for a period not to exceed ten years, real estate, which may be conveyed or devised to it or to said trustees to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit such ministers belonging to the Free Methodist church as shall from time to time be duly authorized by the general conference of said church or by the annual conference, within whose bounds the said corporation may be, to preach and expound God's Holy Word therein; and shall permit pastors and district elders duly appointed to execute the discipline of said Free Methodist church, and to administer the sacraments therein.

How may dispose of personal property.

Who allowed to preach.

SEC. 8. It shall be lawful for any church organized under the provisions of this act, by a two-thirds vote of the official members of the society, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act, or the book of discipline of the Free Methodist church; and such alteration or amendment shall become operative when two-thirds of all the official members of the society shall execute amended articles and the said amended articles are acknowledged in the same manner as stated in section three of this act, and the district elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section four of this act.

How may amend articles.

How may sell
or mortgage
real estate.

Proviso.

How churches
heretofore in-
corporated
may place
themselves
under pro-
visions of
act.

Former acts,
how con-
strued.

SEC. 9. When it shall become necessary for the payment of debts or with a view of re-investment, to make a sale or mortgage of any real estate belonging to said church, the members of the society, by a majority vote of the same, and the consent of the quarterly conference of the district in which the church is located, and with the approval of the district elder, may authorize a sale or mortgage of said real estate by the trustees of said church with such limitations and restrictions as the (district) quarterly conference may judge necessary and impose; and the trustees of said church, when so authorized, may sell and convey or mortgage said property, and with the proceeds of such sale or mortgage pay the debts of such corporation, or re-invest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section seven of this act, as said trustees may be directed by the (district) quarterly conference: *Provided*, That in all cases the proceeds of such sale, after the payment of debts, if any, if not applied to the purchase or improvement of other property as aforesaid, shall be held, by such corporation, subject to the order of the annual conference within the bounds of which such church is located. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to the said property belonging to said corporation shall pass to the annual conference within the bounds of which said property is located; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court in chancery, for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

SEC. 10. Any Free Methodist church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a two-thirds vote of the members of the society, place itself under the provisions of this act, the same as if originally incorporated under it, by two-thirds of the members of said society executing articles of association as provided in section three of this act, and the district elder affixing his certificate thereto, as provided in said section, and recording the same, as provided in section four of this act.

SEC. 11. In all proceedings or suits that may arise, or be brought in any of the courts of this State, touching, or in any way concerning, churches that may be incorporated under this act, or which by vote of the members of the so-

ciety thereof may have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

SEC. 12. It is further provided that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees, and that the necessary steps have been taken to give them full authority to make such transaction. Evidence of appointment of trustees.

SEC. 13. Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation, may extend its corporate existence from time to time for a term not exceeding thirty years, by causing to be recorded in the office of the clerk of the county where such corporation is located, a copy of a resolution expressing a desire to so extend its corporate existence, which resolution shall be adopted by such corporation at a meeting called for the purpose by the pastor of the church or the district elder of the district within which said corporation is located. When such resolution is left for record with the clerk of the county within which said corporation is located, it shall be duly attested by the pastor of the church or the district elder of the district. Upon the leaving of such resolution for record, as above specified, with the attestation as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term not exceeding thirty years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged. May extend corporate existence.

This act is ordered to take immediate effect.

Approved March 26, 1901.

[No. 30.]

AN ACT to authorize any railroad company now organized or that may hereafter be organized under the laws of this State, to sell, lease and convey its property and franchises to any other railroad company, whether organized within or without this State; and to acquire by lease or purchase from the owner of any other railroad such road or any part or portion thereof, whether located within or without this State, together with the rights and franchises connected therewith; and to provide for securing payment therefor; and to repeal act number one hundred two of the session laws of eighteen hundred ninety-three.

The People of the State of Michigan enact:

May sell, lease
or convey
road, etc.

SECTION 1. It shall be lawful for any railroad company organized, or that may be organized, under the laws of this State, to sell, lease and convey its road, together with the rights and franchises connected therewith, or any part or portion thereof, to any other railroad company, whether organized within or without this State; and to acquire by lease or purchase from the owner of any other railroad such road, together with the rights and franchises connected therewith, or any part or portion thereof, whether located within or without this State; and for the railroad company so purchasing or leasing to acquire and use such road, rights and franchises by purchase of the stock, or otherwise, as may be agreed between the parties interested, said railroads not having the same terminal points, and not being competing lines: *Provided*, That the stockholders owning a majority of the stock of said companies shall consent thereto: *And provided further*, That the company so purchasing or leasing shall hold and operate such road and said property and franchises subject to all the duties and obligations, and with all the rights and privileges prescribed by the general railroad laws of this State.

Proviso.

Purchasing
party may
issue bonds.

SEC. 2. The railroad company purchasing or leasing by virtue of this act may issue its bonds, secured by trust deed or mortgage, upon its property, rights and franchises, including the property and rights thus acquired, to make payment therefor; and such trust deed or mortgage shall have the effect of a purchase-money security: *Provided*, That nothing herein contained shall prejudice the rights of pre-existing creditors of the corporation from which such property and rights are purchased or leased.

Proviso.

Acts repealed.

SEC. 3. Act number one hundred and two of the session laws of eighteen hundred ninety-three and all acts and parts of acts in anywise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 28, 1901.

[No. 31.]

AN ACT to amend section eleven of act number forty-four, public acts of eighteen hundred ninety-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the Official Directory and Legislative Manual of the State of Michigan, and to repeal act number one hundred twenty-two of the session laws of eighteen hundred and eighty-nine, approved May thirty-one, eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, approved March nineteen, eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act."

The People of the State of Michigan enact:

SECTION 1. That section eleven of act number forty-four, public acts of eighteen hundred ninety-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the Official Directory and Legislative Manual of the State of Michigan, and to repeal act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, approved May thirty-one, eighteen hundred and eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, approved March nineteen, eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act," be amended so as to read as follows:

SEC. 11. There shall be printed of the annual report of the Superintendent of Public Instruction a sufficient number to supply all school libraries in the State with one copy each, which copy shall be bound in the same style as provided by this act for binding State publications for library distribution; also one copy each to the following persons or institutions: To each superintendent of public instruction, state university, college of mines and state normal school in the United States, each living ex-superintendent and deputy superintendent of public instruction in this State, each member of county boards of examiners, each city superintendent of schools; two hundred copies for deposit with the Secretary of State for future distributions, and such number of additional copies as the Superintendent of Public Instruction

Section amended.

Report of Superintendent of Public Instruction.

Style.

Who entitled to copy.

Size.	may, in his discretion, deem necessary, not exceeding three hundred copies. Said report shall not exceed three hundred pages, including context and index, such pages to be the size of the pages of the report of the Superintendent of Public Instruction for the year eighteen hundred ninety-five, and
How distributed. Amount expended for cuts. Proviso.	such report shall be distributed by the Superintendent of Public Instruction. Not to exceed the sum of fifty dollars for any one report shall be expended for cuts or illustrations for said report: <i>Provided</i> , That said fifty dollars shall cover the cost for special paper, if necessary for such cuts, and also the cost of making such cuts: <i>Provided further</i> , That the State Superintendent of Public Instruction may prepare and have published for the district schools, a State course of study; for the teachers' institutes, institute outlines; and, from time to time, such educational bulletins as he may deem necessary for the advancement of the cause of education in Michigan.
Further proviso.	

This act is ordered to take immediate effect.

Approved March 28, 1901.

[No. 32.]

AN ACT to amend section five of act number one hundred seventy-seven of the session laws of eighteen hundred fifty-nine, entitled "An act further to preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," the same being section three thousand five hundred forty of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.	SECTION 1. That section five of act number one hundred seventy-seven of the session laws of eighteen hundred fifty-nine, entitled "An act further to preserve the purity of elections and guard against the abuse of the elective franchise, by a registration of electors," the same being section three thousand five hundred forty of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:
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When registration board to meet.	SEC. 5. The board of registration provided for in this act shall convene and meet for the registration of electors on the third Tuesday and Wednesday preceding any general fall election, and on the third Tuesday and Wednesday preceding any general spring, charter or special election. The board of registration of the city, to be constituted as aforesaid, shall be in session at such places in the several wards as they
When to be in session.	

shall designate in their notices, to be published and posted up as hereinafter provided, from seven o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done in the manner above described; and such boards, and each member thereof, and each applicant for registration, is hereby vested and charged with the same rights, powers, duties and penal liabilities, touching the examination of applicants, as hereinbefore provided: *Provided*, That the provisions of this amendment shall not be applied to electors in the city of Detroit, nor to any cities to which any other registration law may apply. Proviso as to city of Detroit.

Approved March 29, 1901.

[No. 33.]

AN ACT to amend section nine of chapter one of act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," being section two thousand six hundred ninety-two, of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section nine of chapter one of act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," being section two thousand six hundred ninety-two of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

(2692) SEC. 9. If such board, after hearing the parties, shall be satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory as determined upon contains the population required by this act, it may make an order declaring that such territory as determined upon shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and said board shall in such order appoint the time and place of holding the first election; and shall also appoint four discreet persons, residents of such territory and qualified electors When board of supervisors to declare village incorporated. First election.

Meeting of
board of
registration.

therein, who shall constitute a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election. The said board of registration shall meet on the Saturday next preceding said first election, and shall remain in session the same hours required of boards of registration for general elections, and register the names of all persons residents of said village, presenting themselves for registration, and having the qualifications of voters at annual township meetings, due notice of the time and place of which registration shall be given by said board, by posting notices thereof in five public places in said village, at least ten days previous to said meeting. Such application and affidavit verifying the same, with copy of notice of hearing and proof of the posting or publishing of the same, and all the proceedings of such board of supervisors touching such incorporation shall be entered upon the records of said board, and all papers relating thereto shall be filed with the county clerk of the county in which such proceedings are had and taken, and the county clerk of said county shall thereupon transmit a certified copy of such order of incorporation to the Secretary of State, who shall file and record the same in his office. The original order of incorporation, or a certified copy thereof by the county clerk of such county or a certified copy of the copy thereof on file in the office of the Secretary of State, by the Secretary of State, shall be prima facie evidence of such incorporation and of the regularity thereof in all courts and places.

Order of in-
corporation,
where filed.

Approved March 29, 1901.

[No. 34.]

AN ACT to amend section one of act number two hundred twenty-three of the public acts of eighteen hundred eighty-nine, entitled "An act to authorize the issuance of injunctions to restrain waste upon certain lands when the taxes upon the same shall be due and unpaid," same being compiler's section number three thousand nine hundred seventy-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act two hundred twenty-three of the public acts of eighteen hundred eighty-nine, entitled "An act to authorize the issuance of injunctions to restrain waste upon certain lands when the taxes upon the same shall be due and unpaid," same being compiler's section three thousand nine hundred seventy-nine of the compiled laws of eighteen hundred ninety-seven, be amended so as to read as follows:

SECTION 1. That when any person, co-partnership, company or corporation shall neglect or refuse to pay any tax assessed on the lands of such person, co-partnership, company, or corporation after such tax shall have become a lien upon said lands and before the expiration of the warrant attached to his tax roll, the township treasurer shall make application for and be entitled to an injunction to restrain waste on any of such lands upon which the taxes shall remain unpaid, and to prevent the cutting of any timber standing or growing thereon, or the removal of any timber, wood or logs, or the tearing down or removing of any buildings therefrom. Any circuit judge or circuit court commissiomer of the county in which such lands are situated may on application of such township treasurer make an order restraining any person, co-partnership, company or corporation from committing waste on any such lands by the cutting of any timber standing or growing thereon or the removal of any timber, wood or logs, or the tearing down or removal of any buildings therefrom.

Injunction
may issue to
restrain
wasting of
timber, etc.

Approved March 29, 1901.

[No. 35.]

AN ACT to amend section two of act one hundred forty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," the same being section four thousand eight hundred and nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section two of act one hundred forty-seven of the public acts of eighteen hundred ninety-one, being "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," the same being section four thousand eight hundred and nine of the compiled laws of eighteen hundred ninety-seven, be and hereby is amended to read as follows:

Section
amended.

SEC. 2. There shall be elected at the election held on the first Monday in April, nineteen hundred and three, and every fourth year thereafter, in each county, one commissioner of

Election of
commis-
sioners.

Term of
office.

Oath of office,
where filed.

schools, whose term of office shall commence on the first day of July next following his or her election, and who shall continue in office four years or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the Superintendent of Public Instruction in all respects as provided in section one of this act.

Approved March 29, 1901.

[No. 36.]

AN ACT to provide a board of jury commissioners for the county of St. Clair and the manner of selecting jurors to serve in the circuit court for said county and to prescribe their duties and fix their compensation, and to punish violations of the act.

The People of the State of Michigan enact:

Governor to
appoint com-
missioners
for St. Clair
county.

Vacancies.

Term of office.

To subscribe
oath.

Compensation.

Meeting of
board.

SECTION 1. The Governor of the State shall appoint a board of jury commissioners for the county of St. Clair, consisting of nine persons, each of whom shall be a resident elector and freeholder of the said county. Three of the said persons shall be appointed for two years and three for four years and three for six years. The said Governor shall from time to time appoint persons of like qualifications as successors to the said commissioners, and shall also fill all vacancies occurring in the said board from any cause. The official term of said commissioners shall begin on the first day of April, one thousand nine hundred and one, and all subsequent appointments, except for the filling of vacancies, shall be for the term of six years; the said commissioners shall respectively serve until their successors are appointed and have qualified. Said commissioners shall, before entering upon their duties, take the constitutional oath of office and file the same with the county clerk. Said commissioners shall receive as compensation for their services three dollars for each day actually engaged in the performance of duty, and such actual expense as shall be incurred in traveling to ascertain the qualifications of jurors and in attendance upon the meetings of the board, to be audited by and proved before the circuit court of the county of St. Clair, and paid by the county treasurer on the certificate of the county clerk, under the seal of the court.

SEC. 2. Said board shall meet annually on the second Monday of April in each year, at the hour of ten o'clock in the forenoon, or as soon thereafter as shall be found practicable,

at the office of the clerk of said county, and shall then and there select from the tax rolls of the several wards and townships of the said county, for the preceding year, a list of names of persons to serve as petit jurors in the circuit court of the said county for the succeeding year. The county clerk shall be the clerk of the said board, and shall keep a record of their doings in a book to be provided for that purpose, which record shall, at the close of each meeting of the board, be signed by the members thereof, and attested by the said clerk, and shall then be evidence in all courts and places of the doings of the said board.

List of petit jurors.

Clerk of board.

SEC. 3. Such list shall consist of four names from each township and ward containing four hundred inhabitants or less, according to the last preceding census, and six names from each township and ward containing more than four hundred inhabitants, according to said census. Said list when so prepared shall be used in selecting petit jurors of the said circuit court for the succeeding year, ending on the second Monday of April, and until a new list shall be chosen in accordance with this act.

List what to contain.

SEC. 4. In case a majority of the said board shall for any cause, fail to be present at the time fixed for the annual meeting the clerk shall make a record of the fact and adjourn the said meeting from day to day until the said board, or a majority of them, shall be present.

Adjournments.

SEC. 5. Said commissioners shall also make a list of names to serve as grand jurors of the said county, consisting of two names from each township and ward in the county, which list shall not contain any name already on the list of petit jurors.

Grand jurors.

SEC. 6. The persons so chosen to act as jurors shall be electors of the township or ward from which they are chosen, citizens of the United States, and shall be persons of good character, or approved integrity, of sound judgment, and well informed, conversant with the English language and in full possession of their natural faculties, not infirm or decrepit, and otherwise free from legal exception. No person shall be selected by the said board or shall be qualified to sit or act as a juror in the said circuit court who shall have served upon a panel of jurors in the said court within a year next preceding the time of selection or the term of court at which the question shall arise.

Jurors to be citizens.

Who not competent.

SEC. 7. Any commissioner who shall cause any person to be selected, or who shall propose the name of any person for selection, who shall have made any request to be selected as a juror, or in whose behalf any such request shall have been made, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding one thousand dollars, or by both such fine and im-

Penalty for placing name on list by request.

prisonment, and in case the guilty person is a commissioner the conviction shall operate to remove him from office and the vacancy shall be filled by the Governor.

Action
when record
complete.

SEC. 8. On the completion of the record of the said annual meeting of the said commissioners the county clerk shall write the names chosen for petit jurors on separate pieces of paper of the same size and appearance, as near as may be, and he shall place the slips of paper containing the names selected from each ward and township of the county in a separate package, endorse the name of the township or ward thereon and retain the same therein securely sealed until the same are drawn in the manner hereinafter provided.

How county
clerk to
select jury.

SEC. 9. At least six days before the first day of any term of the circuit court for the said county, at which a jury is to be in attendance, the said county clerk shall, in the presence of the circuit judge and the sheriff of the said county, to whom he shall give notice of the time and place at least two days in advance, proceed to select a jury for the next term of the said court in the manner following: The packages containing the names of the jurors shall be arranged in alphabetical order and shall in such order, beginning at "A," be separately opened and the slips therein placed in a box to be known as the jury box, the box shall then be well shaken and in such manner as to thoroughly commingle the slips, and one of the persons in attendance shall draw therefrom one of the slips of paper, and the name appearing thereon shall be a juror for the said term of court; the remainder of the packages shall then be successively treated in the same manner in alphabetical order until such number of persons have been chosen as the circuit judge shall have directed to be drawn for the said term, and such persons so chosen shall be jurors for the said term, and each drawing after the first shall begin at the package next succeeding in alphabetical order the one last used in the preceding drawing. It shall be the duty of the said circuit judge and sheriff to attend at the time and place fixed by the county clerk on receiving the notice herein provided. In case the said judge or sheriff shall not be present at the time and place fixed for the said drawing, the clerk shall make a minute of the fact in the record book and at once secure the attendance of the judge of probate or one of the circuit court commissioners of the county, who, being in attendance, shall have the same powers as the circuit judge or sheriff would have if present, and in case the attendance of neither of said officers can be secured, the clerk shall adjourn the drawing until some other time, and from time to time until two of said officers are present. A record of the said drawing shall be kept by the clerk, and in case of his absence by some member of the board selected therefor in the same book in which the record of the doings of the jury

Circuit judge
and sheriff
to attend.

Record of
drawing to
be kept.

commissioners is kept; when a name is drawn from the said box and duly recorded, the slip containing it shall be destroyed and the remaining slips containing the names from the said township or ward shall again be returned to a package and sealed and endorsed as before, to await the next drawing. If the name of any person be drawn who, to the knowledge of either of the persons, shall have deceased or become insane, or have removed beyond the jurisdiction, a record of the fact shall be made, the slip containing the name destroyed, and another name be at once drawn from the same town or ward to supply the place.

In case person drawn is deceased, etc.

SEC. 10. At the conclusion of such drawing, the officers acting shall respectively sign the record thereof, and the clerk shall thereupon issue a venire facias to the sheriff of said county commanding him or any of his deputies to summon the said persons so selected to be and appear in said court at the time and place therein named to serve as petit jurors for the said term of the said court.

Venire facias.

SEC. 11. Said venire facias shall be served at least three days before the first day of the said term of court, by delivery of a written notice to the several persons or by leaving it at the place of residence of the juror with some person of suitable age and discretion to whom its contents shall be made known, and return thereof shall be made to the said court at its opening, showing the manner of service upon each juror.

Service.

SEC. 12. Whenever for any reason petit jurors shall not have been drawn to attend any term of said court, or in the opinion of the judge a sufficient number of jurors are not in attendance upon the court to do the business thereof, the court may order such number of jurors to be forthwith drawn as in his judgment will be sufficient, and in such case the drawing shall be conducted in the same manner as though done before the opening of the term: *Provided*, That for the purpose of expediting business the court may, in his discretion, direct the township and wards from which such jurors shall be drawn.

When judge may order additional jurors drawn.

Provido.

SEC. 13. When jurors are drawn in accordance with the preceding section a venire facias shall issue requiring the attendance of the persons chosen at such time as the court shall order, and be served forthwith.

Venire facias to issue.

SEC. 14. Whenever there shall not be a sufficient number of jurors present to form a panel for any cause to be tried, the court may direct talesmen to be drawn and summoned, from the jury lists provided by the board of jury commissioners, and in the manner above herein provided for regular jurors, or be orally summoned by the sheriff or other officer in attendance upon the court, as the circuit judge shall direct. The slips containing the names of all talesmen who appear and serve as jurors shall be at once destroyed, and

When not enough jurors present.

Slips to be destroyed.

the names of those who do not appear and serve shall be returned to their respective packages.

Court may
order board to
meet and
select jurors.

SEC. 15. In case the said board of jury commissioners shall for any reason fail to meet or select names to act as jurors, or in case any list of jurors shall become exhausted, or be declared illegal before the expiration of the year for which it was selected, the court shall have power to order an immediate convening of the said board and selection of a list in accordance with the terms of this act.

Compensa-
tion of jurors.

SEC. 16. Jurors drawn under the provisions of this act shall receive payment at the same rate as is now provided by general law for the payment of jurors in courts of record; they shall also be subject to like exemptions and challenges as jurors in courts of record under general law.

This act is ordered to take immediate effect.

Approved April 3, 1901.

[No. 37.]

AN ACT to amend section one, chapter two, of act number one hundred sixty-four, public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of chapter two of act number one hundred and sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools," be amended so as to read as follows:

May divide
township into
districts.

SECTION 1. The township board of school inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; and each district shall be composed of contiguous territory, and be in as compact a form as may be.

Approved April 3, 1901.

[No. 38.]

AN ACT to provide for the registration of women's study clubs, and to regulate their use of books from the State Library.

The People of the State of Michigan enact:

SECTION 1. Women's clubs, organized for the purpose of study, and having regularly elected officers, may become registered in the Michigan State Library and be entitled to all the privileges accorded by section two of this act. Clubs applying for registration must furnish the State Librarian with the names of its officers, its rules, and a copy of its program. It shall be the duty of the State Librarian to furnish the club with a certificate of registration and a copy of the rules which will govern transactions between the club and the State Library.

How women's clubs may become registered.

State Librarian to furnish certificate.

SEC. 2. Under such reasonable rules as may be prescribed therefor, registered clubs shall be entitled to receive from the State Library a book or collection of books to be kept for a limited time, excepting reference books and those which on account of their value and rarity cannot be taken from the library. When a collection of books called a special traveling library shall be sent, the regular traveling library fee shall be paid. If one or several books shall be sent for a limited time by express, the user of the books shall pay all charges.

May receive books from library.

Fees and charges, who to pay.

This act is ordered to take immediate effect.

Approved April 4, 1901.

[No. 39.]

AN ACT to amend section one hundred thirty-three of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being section three thousand nine hundred fifty-five of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one hundred thirty-three of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being section three thousand nine hundred fifty-five of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Notice of perfecting title.

(3955) SEC. 133. Whenever any person has perfected his title to any such lands, and a deed for the same has been issued by the State to such person, the Commissioner of State Land Office shall so notify the county treasurer of the proper county that such lands are again and thereafter taxable as other lands. And they shall thereafter be assessed to such owner or occupant as other lands are assessed for all purposes. The county treasurer shall serve, or cause to be served upon the supervisor of each township in which such lands are located, on or before the fifteenth of April, a copy of the list of lands in his township, so furnished to said county treasurer by the Commissioner of the State Land Office. Said supervisor shall produce said list to the board of review, while in session, for the purpose of reviewing the assessment roll, and all such lands shall be placed upon the

When assessable.

List of lands to be furnished supervisor.

assessment roll: *Provided*, That if any homesteader upon Proviso. any of the lands so deeded to the State and held for homestead entry shall surrender his certificate to the State for the benefit of any other applicant, and if such new applicant shall be granted a certificate, the said land shall become subject to assessment as real estate after the expiration of five years from date of the original entry.

This act is ordered to take immediate effect.

Approved April 4, 1901.

[No. 40.]

AN ACT to detach Calhoun county from the fifth judicial circuit, and to create the thirty-seventh judicial circuit.

The People of the State of Michigan enact:

SECTION 1. That Calhoun county be and the same is Territory detached. hereby detached from the fifth judicial circuit.

SEC. 2. That Calhoun county is hereby formed into and Thirty-seventh circuit. constituted a judicial circuit, to be known as the thirty-seventh judicial circuit.

SEC. 3. That the judge of the said fifth judicial circuit, Who to hold court. as heretofore organized, shall continue to hold court in the county of Calhoun and to perform and discharge the duties of circuit judge thereof until a circuit judge for the said thirty-seventh judicial circuit shall be appointed or elected, and shall qualify as judge of said thirty-seventh judicial circuit.

SEC. 4. The office of circuit judge of said thirty-seventh Office vacant. judicial circuit shall be vacant from the time this act takes effect, and said vacancy shall be filled by appointment by the Governor until his successor shall be elected and qualified.

SEC. 5(a). There shall be elected a circuit judge for the thirty- When elected. seventh judicial circuit at the election held on the first Monday in April, A. D. nineteen hundred two, to serve until the first day of January, A. D. nineteen hundred six, and the circuit judge for said thirty-seventh judicial circuit shall thereafter be elected for the term, at the time and in the manner provided for the election of circuit judges in this State.

SEC. 6(a). Notice of said election to be held on the first Mon- Notice of election. day of April, A. D. nineteen hundred two, shall be given, the votes canvassed and returned in the same manner as now provided by law for the election of circuit judges.

SEC. 7. All acts and parts of acts inconsistent with this Acts repealed. act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 4, 1901.

[No. 41.]

AN ACT to amend act number one hundred eighty-three of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," approved May twenty-ninth, eighteen hundred ninety-seven, by adding a new section to stand between sections forty-eight-a and forty-nine of said act, to be known as section forty-eight-b.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred eighty-three of the public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan," approved May twenty-ninth, eighteen hundred ninety-seven, be amended by adding a new section to stand between sections forty-eight-a and forty-nine of said act, and to be known as section forty-eight-b, to read as follows:

Salary of
stenographer
in thirty-
seventh
circuit.

SEC. 48b. In the thirty-seventh circuit of the State of Michigan the stenographer shall be paid the annual salary of one thousand dollars.

This act is ordered to take immediate effect.

Approved April 5, 1901.

[No. 42.]

AN ACT to re-appropriate certain money for the benefit of the State Industrial Home for Girls which was covered into the State treasury in error.

The People of the State of Michigan enact:

Re-appropriation.

SECTION 1. That the sum of three thousand three hundred thirty-three dollars thirty-four cents, being the portion of the appropriation made by act one hundred sixty-four, public Acts of eighteen hundred ninety-nine, which was erroneously covered into the State treasury, be and the same is hereby re-appropriated and made available during the fiscal year ending June thirty, nineteen hundred one.

This act is ordered to take immediate effect.

Approved April 6, 1901.

[No. 43.]

AN ACT to amend section one of act number one hundred forty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," approved June nineteen, eighteen hundred ninety-one, as amended by the several acts amendatory thereof, being compiler's section four thousand eight hundred eight of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred forty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," approved June nineteen, eighteen hundred ninety-one, as amended by the several acts amendatory thereof, being compiler's section four thousand eight hundred eight of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That at the meetings of the several boards of supervisors of the different counties of the State, to be held on the fourth Monday in June, eighteen hundred ninety-one, the said several boards of supervisors shall elect a county commissioner of schools for their respective counties, whose term of office shall commence on the fourth Tuesday of August next following, who shall hold his or her office until the first day of July, eighteen hundred ninety-three, or until his or her successor shall be elected and qualified. Said board of supervisors shall also on said fourth Monday of June, appoint two persons as school examiners, who, together with said commissioner of schools, shall constitute a board of school examiners. One of said school examiners shall be appointed for a period of one year and the other for a period of two years, from and after the second Monday of October next after their appointment, or until their successors have been appointed and qualified; and thereafter such boards of supervisors shall, at each annual session, appoint one examiner, who shall hold his office for a period of two years, or until his successor shall have been appointed and qualified. Any person shall be eligible to the office of examiner who shall hold, or shall have held within three years next pre-

Section
amended.

Election of
county com-
missioner
of schools.

Term of office.

Appointment
of school
examiners.

Term of office.

Annual
appointment.

Who eligible.

Proviso.

Vacancy how
filled.

To subscribe
oath.

Commissioner
to execute
bond.

County clerk
to report
address.

ceding his appointment, at least a second grade certificate, and has taught in the public schools at least nine months, or who has the qualifications required of commissioner in section three of this act, except an experience of twelve months as teacher: *Provided*, That this shall not apply to present incumbents of the office of school examiner. In case a vacancy shall occur at any time in the office of school examiner, the judge of probate, together with the board of school examiners of the county in which such vacancy shall have occurred, shall, within ten days after the occurrence of such vacancy, appoint some suitable person to fill such vacancy. And the person so appointed shall hold the office for the unexpired portion of the term, or until his or her successor is appointed and has qualified. Within ten days after such commissioners or examiners shall have received legal notice of his or her election, he or she shall take and subscribe the constitutional oath of office, and the same shall be filed with the county clerk. The said county commissioner, so appointed, shall execute a bond with two sufficient sureties to be approved by and filed with the county clerk, in the penal sum of one thousand dollars, conditioned that he or she shall faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all moneys which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and postoffice address of such county commissioner to the State Superintendent of Public Instruction.

This act is ordered to take immediate effect.

Approved April 8, 1901.

[No. 44.]

AN ACT to amend section seven of act number two hundred and six of the public acts of Michigan of the year eighteen hundred and ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed; establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening the provisions of this act," being section thirty-eight hundred and thirty of the compiled laws of Michigan for the year eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seven of act number two hundred and six of the public acts of Michigan of the year eighteen hundred and ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed; establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening the provisions of this act," being section thirty-eight hundred and thirty of the compiled laws of Michigan for the year eighteen hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

(3830) SEC. 7. The following real property shall be exempt from taxation:

First. All public property belonging to the United States; U. S. property.

Second. All public property belonging to the State of Michigan, except licensed homestead lands, part paid lands held under certificates, and lands purchased at tax sales, and still held by the State; State property.

Third. Lands owned by any county, township, city, village or school district and buildings thereon, used for public purposes; Municipal property.

Fourth. Such real estate as shall be owned and occupied by library, benevolent, charitable, educational and scientific institutions, incorporated under the laws of this State, with the buildings and other property thereon, while occupied by Realty of charitable, etc., associations.

- them solely for the purposes for which they were incorporated: *Provided*, That such exemption shall not apply to fraternal or secret societies, but all charitable homes of such societies shall be exempt;
- Proviso.**
- Churches and parsonages.** Fifth. All houses of public worship, with the land on which they stand, the furniture therein and all rights in the pews, and also any parsonage owned by any religious society of this State and occupied as such;
- Cemeteries.** Sixth. All lands used exclusively as burial grounds, and the rights of burial therein, and the tombs and monuments therein, while reserved and in use for that purpose: *Provided*, That the stock of any corporation owning such burial grounds shall not be exempt;
- Proviso.**
- Poor persons.** Seventh. The real and personal property of persons who, in the opinion of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges;
- Corporations paying specific taxes. Proviso as to railroads.** Eighth. The real property of corporations exempt under the laws of this State, by reason of paying specific taxes in lieu of all other taxes for the support of the State: *Provided*, That track, right of way, depot grounds and buildings, machine shops, rolling stock, and all other property necessarily used in operating any railroad in this State belonging to any railroad company, shall henceforth remain exempt from taxation for any purpose, except that the same shall be subject to special assessments for local improvements in cities and villages, and all lands owned or claimed by any such railroad company not adjoining the track of such company, shall be subject to all taxes;
- Agricultural societies.** Ninth. Property owned exclusively by the State Agricultural Society, or any county or district agricultural society, and used by any such society exclusively for fair purposes;
- Parks, etc.** Tenth. All land dedicated to the public and actually used as a park, and any monument ground or any armory belonging to any military organization, and not used for gain or any other purposes;
- Lands and buildings of Grand Army posts.** Eleventh. All lands with the buildings thereon owned by any post of the Grand Army of the Republic or Women's Relief Corps connected therewith when such lands and buildings are occupied and used by such post or women's relief corps exclusively for the purposes for which they are organized.

Approved April 8, 1901.

[No. 45.]

AN ACT to prevent the practice of mutilating horses, known as docking.

The People of the State of Michigan enact:

SECTION 1. Whoever shall cut the bone of the tail of any horse for the purpose of docking the tail, or whoever shall cause or knowingly permit it to be done upon the premises of which he is the owner, lessee, proprietor or user, or whoever shall assist in or be present at such cutting, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the State House of Correction not exceeding one year, or by a fine of not less than one hundred dollars nor more than three hundred dollars, in the discretion of the court.

Unlawful to dock horses.

Penalty.

SEC. 2. If a horse shall be found with its tail so cut and with the wound resulting from such cutting unhealed, upon the premises of any person, such facts shall be prima facie evidence that the person occupying or using the premises on which such horse is so found has committed the offense described in section one of this act.

Prima facie evidence of violation.

SEC. 3. If a horse shall be found with its tail so cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, such fact shall be prima facie evidence that the person having the charge or custody of such horse has committed the offense charged in section one of this act.

Idem.

SEC. 4. It shall be unlawful for any person or persons to import or bring into this State any docked horse or horses, or to drive, work, use, race or deal in any docked horse or horses within this State, unless the same shall be registered as provided for in the succeeding sections of this act.

Importation, when forbidden.

SEC. 5. Within ninety days after this act shall take effect, every owner or user of any docked horse within this State shall register such docked horse or horses by filing in the office of the county clerk of the county in which such docked horse or horses may be kept a certificate which shall contain the name or names of the owner or owners, together with his or their postoffice address, together with a full description of the color, age, size and the use made of such docked horse or horses, which certificate shall be signed by the owner or the owners, or his or their agent. The county clerk shall number such certificates consecutively and shall record the same in a book kept for that purpose, and shall receive as a fee for the recording of such certificate the sum of fifty cents.

Registration of docked horses.

County clerk to record.

SEC. 6. The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to ninety days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working,

Prima facie evidence of docking.

Penalty for
violation.

keeping, racing or using such unregistered docked horse or horses, docked the tail of such horse or horses.

SEC. 7. Any person or persons violating any of the provisions of this act by failing to register any docked horse or horses, as herein provided, shall be punished by a fine of not less than fifty nor more than two hundred and fifty dollars, or in default thereof by imprisonment in the county jail for not less than ninety days.

Approved April 8, 1901.

[No. 46.]

AN ACT to amend act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the land taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts or parts of acts in anywise contravening any of the provisions of this act," as amended by the several acts amendatory thereof, being compiler's sections three thousand eight hundred twenty-four to three thousand nine hundred sixty-two, inclusive, by adding three sections thereto, to stand as sections one hundred fifty-five, one hundred fifty-six and one hundred fifty-seven.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the land taxed, establishing and continuing such lien, providing for the sale and conveyance of said lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts or parts of acts in anywise contravening any of the provisions of this act," as amended by the several acts amendatory thereof, being compiler's sections three thousand eight hundred twenty-four to three thousand nine

hundred sixty-two, inclusive, be and the same is hereby amended by adding thereto three sections, to stand as sections one hundred fifty-five, one hundred fifty-six and one hundred fifty-seven, which shall read as follows:

Sections
added.

SEC. 155. It shall be unlawful for any person, co-partnership, company or corporation to cut or attempt to cut any standing timber growing upon lands in this State upon which the taxes remain unpaid from and after the tenth day of January succeeding that at which the tax was assessed, and before said lands are bid off to the State for the non-payment of taxes, or to remove any timber, wood, logs or buildings therefrom.

When unlaw-
ful to cut
or remove
timber, etc.

SEC. 156. If any person, co-partnership, company or corporation shall cut any standing timber growing upon any lands in this State upon which the taxes remain unpaid, after the same have become due and have been returned to the county treasurer, and before said lands are sold for the non-payment of taxes, or if any person, co-partnership, company or corporation shall remove any timber, wood or logs, or tear down or remove any buildings from any such lands within the time above mentioned, it shall be the duty of the county treasurer of the county where such lands are situated to issue a warrant under his hand and seal in the name of the people of the State of Michigan, directed to the sheriff of the county in which such lands are situated, giving therein a description of such lands, the amount of such taxes due and remaining unpaid, with interest and charges thereon, as provided by law, commanding such sheriff forthwith to seize such timber, logs, wood or buildings, or in case such buildings have been torn down, the lumber and other building material of the same, wherever the same may be found in any county in this State, and to sell the same or a sufficient quantity thereof to satisfy such taxes, with interest and charges thereon, and the cost of such seizure and sale. The sheriff shall receive such warrant and execute the same as therein directed, as in the case of levy and sale on execution, and make due return thereof with his doings thereon to the county treasurer within thirty days after the receipt of the same, and pay over all moneys collected thereon to the county treasurer, who shall apply the amount so collected to the payment of taxes on the lands described in said warrant, together with the interest and charges thereon, and the costs of such seizure and sale. In case the moneys received from any such sale shall exceed the amount necessary to pay all such taxes due and payable, together with interest and charges thereon, and the costs of such seizure and sale, all sums so received, over and above the amount necessary to pay such taxes, together with the interest and charges thereon and the costs of such seizure and sale, shall be held by the county treasurer subject to the order of the person, co-partnership, company or corporation owning said lands.

Proceeding in
case of illegal
cutting of
timber, etc.

County
treasurer to
issue warrant.

Sheriff to
execute.

Disposition
of excess of
money from
sale.

When county treasurer entitled to injunction to restrain waste.

Who may make order restraining waste, etc.

Right of injunction to county treasurer not impaired.

SEC. 157. When any person, co-partnership, company or corporation shall neglect or refuse to pay any tax assessed on the lands of such person, co-partnership, company or corporation after such taxes shall have become due and have been returned to the county treasurer, and before said lands are sold for the non-payment of taxes, the county treasurer shall make application for and be entitled to an injunction to restrain waste on any of such lands upon which the taxes shall remain unpaid, and to prevent the cutting of any timber standing or growing thereon or the removal of any timber, wood or logs, or the tearing down or removing of any buildings therefrom. Any circuit judge or circuit court commissioner of the county in which such lands are situated may on application of such county treasurer make an order restraining any person, co-partnership, company or corporation from committing waste on any such lands by the cutting of any timber standing or growing thereon or the removal of any timber, wood or logs, or the tearing down or removal of any buildings therefrom. The right of the county treasurer to a writ of injunction shall not be lost or impaired by reason of any failure or neglect on the part of the township treasurer or other collecting officer to collect the above unpaid taxes.

Approved April 8, 1901.

[No. 47.]

AN ACT for the consolidation in Congregational churches of an ecclesiastical society with its church.

The People of the State of Michigan enact:

May call meeting to assume corporate powers.

Notice of meeting what to specify.

SECTION 1. That when any Congregational church which has a religious or ecclesiastical society with corporate powers in connection with it, shall, by a two-thirds vote of those entitled to vote therein and voting, at a meeting duly called for the purpose, express by ballot a desire to assume said corporate powers and manage all its affairs, both temporal and spiritual, it shall be the duty of the trustees of the said religious or ecclesiastical society, upon receiving official notice of said vote, at any time within three months after receiving such notice, to call a meeting of the said religious or ecclesiastical society, due notice for three weeks being given, for the purpose of effecting a union of said church and religious society; and the notice calling such meeting of the religious society shall specify the following objects of the said meeting, together with the time and place where the meeting is to be held, namely:

First. For the purpose of consolidating the religious society with the church in connection, shall the name of the society be changed to that of the church in connection?

Two. For the same purpose shall the membership of the society, after the expiration of one year from the time of this vote, be limited to the members of the church in connection, of legal age; or to such members together with the pew holders in said church, if otherwise qualified to vote?

Three. For the same purpose shall the time and place of holding the annual and other meetings of the religious society be so changed as to coincide with the time and place of holding the annual and other meetings of the church in connection?

SEC. 2. If these questions shall be answered in the affirmative by a two-thirds vote of the legal members of the religious society present and voting, and by ballot, at said meeting, then the said religious society shall thereby be consolidated with the church in connection, and the two shall thereafter be one body incorporate, possessed of all the records, rights, property, funds and franchises belonging to the said church and its religious society before their union in one corporate body.

When society
to be consoli-
dated.

SEC. 3. Any church governed according to the rules and usages of the Congregational denomination within the State, with which its religious society has been consolidated under the provisions of this act shall be subject to the provisions of the act, entitled "An act for the organization of corporate Congregational churches," the same as if it had been originally organized under the said act.

Act govern-
ing.

This act is ordered to take immediate effect.

Approved April 8, 1901.

[No. 48.]

AN ACT to provide for a tax upon dogs and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases.

The People of the State of Michigan enact:

SECTION 1. That in all townships and cities of this State, except in cities having and enforcing an ordinance imposing a tax or license fee on every dog owned or harbored in said city, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over three months

Tax upon dogs.

Proviso.

old owned or kept by one person or family, one dollar; upon every female dog over three months old owned or kept by one person or family, three dollars: *Provided*, That the tax upon a female dog whose ovaries have been removed shall be one dollar, and shall be so levied by the supervisor in every case when the person owning such dog shall file with such supervisor a certificate under oath of a veterinary surgeon that the ovaries of such dog had been removed.

Duty of assessor.

SEC. 2. The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by him the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

To make duplicate lists, where filed, etc.

SEC. 3. The assessor of every township and ward shall, on or before the Tuesday next following the third Monday in May in each year, make out a duplicate of the lists made by him as provided in the preceding section and file the same with the township or city clerk of his respective township or city; said taxes, as provided for in the preceding section of this act, shall be assessed to and collected from such persons as shall be liable for the same, in the same manner as other township and city taxes are assessed and collected, and with like power to distrain and sell any property of the owner or owners, keeper or keepers of dogs liable to be taxed.

Tax, how collected.

SEC. 4. The collector to whom such tax rolls shall be delivered shall proceed and collect the sums of money therein specified, in the same manner and with like authority in all respects as in the collection of taxes imposed by the board of supervisors of the county, and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury and subject to the orders of the township and city boards, as provided in sections five and six of this act. The collector shall give to each person paying the tax on any dog, a receipt for the amount paid, which receipt shall bear date on which payment is made, shall describe the dog on which the tax was paid, and shall be numbered with a serial number and the year. He shall also give to such person a metal label that may be securely affixed to a dog collar. Such label shall bear the serial number and year, as does the receipt given, such receipts and labels to be paid for from the dog tax fund of said township or city: *Provided*, That in each and every case where the collector is unable to collect the tax in the manner above specified prior to the first day of February in each year it shall be his duty to provide the sheriff of such county with a list of each and every dog upon which such tax has not been paid, and it shall be the duty of the sheriff of such county to levy upon each and every dog upon which such tax

To give receipt.

Metal label, how numbered, etc.

Proviso as to return of delinquent list to sheriff.

has not been paid wherever said dog or dogs may be found, and it shall further be his duty to take possession of said dog or dogs and kill or cause the same to be killed. The absence of before mentioned label, or inability of owner to show a proper receipt, shall be sufficient evidence that the tax on any dog has not been paid. For this purpose the sheriff shall receive from the township or city in which said dog or dogs are assessed, a fee of one dollar for each and every dog so killed and buried, the same to be paid from the dog fund of said township or city upon the order of said township or city board.

Dogs to be killed.

Compensation for killing, how paid.

SEC. 5. Whenever any person shall sustain a loss by the killing or wounding of his sheep or lambs by a dog or dogs, he may call on a disinterested justice of the peace of the township or city where such killing or wounding occurred, not of kin to such person, and not a member of the township board or city council, who shall proceed to view the sheep or lambs so killed or wounded, and if from such view he shall be satisfied that the same were killed or wounded by a dog or dogs, he shall make a certificate thereof in writing, stating the amount of damage sustained by such person, and shall deliver the same to the clerk of said township or city, who shall file the same in his office and record it in the records of the township or city. The said justice shall receive for his services in each case the sum of two dollars, to be paid out of the aforesaid fund, on the order of the township board or proper city officer or officers.

Proceeding upon loss of sheep killed by dogs.

Compensation of justice.

SEC. 6. At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk, as aforesaid, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may deem just, and may order the payment of all such loss as they may consider just out of the fund aforesaid, if it be sufficient for that purpose, and if not sufficient they may order a proportionate payment of each claim. If money remains of such fund after satisfactory payment of all claims aforesaid in any one year, over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age: *Provided*, That no payment of loss shall be made as provided for in this section unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage.

Damage certificates, when examined, etc.

Excess of funds, how apportioned.

Proviso.

SEC. 7. The collectors shall be allowed to retain a commission of four per cent upon all sums collected by them

Commission of collectors.

under the provisions of this act, and shall make and deliver a correct statement and account for the amount of money so collected to the township board of their respective townships and to the city treasurers of cities at the time of making their annual settlement with said board and treasurers, and shall be holden on their bonds the same as for other moneys collected if not paid over.

Penalty for neglect or refusal to perform duty.

SEC. 8. Any county, township or city officer who shall neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars or more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not exceeding ninety days.

Who deemed owner.

SEC. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his premises for the space of fifteen days previous to the assessment of a tax or previous to any injury, chasing, worrying or killing of sheep, shall be deemed the owner of such dog for all purposes of this act.

Penalty for keeping sheep killing dog.

SEC. 10. Any person or persons who shall knowingly keep any dog known to be a sheep-killing dog, or who shall keep any such dog after it shall come to the knowledge of such person that such dog has been engaged in the killing of sheep, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Acts repealed.

SEC. 11. Act number one hundred and ninety-eight of the public acts of eighteen hundred and seventy-seven, entitled "An act to provide for a tax upon dogs and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases," as amended by act number one hundred and seventy-nine of eighteen hundred and ninety-five, being sections fifty-five hundred and ninety-six to fifty-six hundred and five inclusive, compiled laws of eighteen hundred and ninety-seven, as amended by act two hundred and twenty-two of eighteen hundred and ninety-nine, and all other acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 8, 1901.

[No. 49.]

AN ACT making an appropriation for the current expenses of the Northern State Normal School for the six months ending June thirtieth, nineteen hundred and one.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the current expenses of the Northern State Normal School for the six months ending June thirtieth, nineteen hundred and one, the sum of eleven thousand five hundred dollars. The amount herein appropriated is made available during the fiscal year ending June thirtieth, nineteen hundred and one. Appropriation, when available.

SEC. 2. The sum appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Board of Education at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his account to the Auditor General thereunder. How paid

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred and one, the sum of eleven thousand five hundred dollars, which when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated. To be incorporated in state tax.

This act is ordered to take immediate effect.

Approved April 9, 1901.

[No. 50.]

AN ACT to amend section one hundred twenty-six of chapter thirty-four (being section eight hundred thirty-seven) of the compiled laws of eighteen hundred ninety-seven, being act one hundred seventy-three of the laws of eighteen hundred fifty-five, entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled 'Of courts held by justices of the peace.'"

The People of the State of Michigan enact:

SECTION 1. That section one hundred twenty-six of chapter thirty-four (being section eight hundred thirty-seven) of the compiled laws of eighteen hundred ninety-seven, being act one hundred seventy-three of the laws of eighteen hundred fifty-five, entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled 'Of courts held by justices of the peace,' " be and the same is hereby amended so as to read as follows: Section amended.

When judgment to be rendered for defendant.

Plaintiff may discontinue action against one or more defendants.

SEC. 126. Judgment for the defendant, with costs, shall be rendered whenever a trial has been had and it be found by verdict, or by the decision of the justice, that the plaintiff has no cause of action against the defendant. But whenever an action is brought against two or more persons, the plaintiff may at any time before the final submission of the cause to the justice or the jury, be allowed to discontinue the action as against any of the defendants, and thereupon to amend his declaration, and proceed against the other defendant or defendants in a like manner as if the action had been originally brought against them alone. But the plaintiff shall not be required to discontinue as to any of them, but the jury shall show by its verdict or the justice by his finding, in a trial without a jury, which of them are and which of them are not liable to the plaintiff, and judgment shall be given accordingly.

Approved April 9, 1901.

[No. 51.]

AN ACT to amend act number one hundred sixty of the public acts of eighteen hundred eighty-three, approved June sixth, eighteen hundred eighty-three, entitled "An act to amend act number one hundred and seventy-eight of session laws of eighteen hundred and eighty-one, approved May thirty-first, eighteen hundred and eighty-one, entitled 'An act to authorize suits to be brought against insurance companies organized under the laws of this State, in the circuit court of any county of this State in which the plaintiff shall reside, and said company issues policies or takes risks.'"

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred sixty of the public acts of eighteen hundred eighty-three, approved June sixth, eighteen hundred eighty-three, entitled "An act to amend act number one hundred and seventy-eight of the session laws of eighteen hundred eighty-one, approved May thirty-first, eighteen hundred and eighty-one, entitled 'An act to authorize suits to be brought against insurance companies organized under the laws of this State, in the circuit court of any county in this State in which the plaintiff shall reside, and such company issues policies or takes risks,'"

be amended so as to read as follows:

SECTION 1. Suits may be commenced, tried and disposed of against insurance companies, or co-operative and mutual benefit associations, having for their object insurance against any risk, organized under the laws of this State, by any member of said company or association, or other person, in the circuit court of any county in this State in which the plaintiff resides, and such company issues policies, certificates of membership, or takes risks, in the same manner and with like effect as if the suits were brought in the county where such company or association has its principal office. Where suits against, may be brought.

SEC. 2. Such suits may be commenced by declaration or writ, which may be served upon any agent or officer of such company or association, residing or found within the county where the suit is brought, or in any county in this State, by the sheriff of any county where such agent or officer may be found, or by the sheriff of the county where the principal office of such company or association is located. How commenced.

SEC. 3. The trial judge may, where there is a recovery by plaintiff in any suit commenced by virtue of this act, award costs to plaintiff, notwithstanding the fact that the amount recovered is less than one hundred dollars. Costs awarded to plaintiff.

Approved April 9, 1901.

[No. 52.]

AN ACT to amend section one of act number one hundred one of the public acts of eighteen hundred and eighty-five, being section ten thousand two hundred forty-seven of the compiled laws of eighteen hundred and ninety-seven, relative to assigning errors on the charge of any circuit court given to the jury, in any civil or criminal suit, action or proceeding.

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred one of the public acts of eighteen hundred and eighty-five, being section ten thousand two hundred forty-seven of the compiled laws of eighteen hundred and ninety-seven, relative to assigning errors on the charge of any circuit court given to the jury in any civil or criminal suit, action or proceeding, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. It shall not be necessary in any suit, action or proceeding, civil or criminal, in any circuit court, to except to the charge given to the jury, or to the refusal to give any charge requested by either of the parties to such suit, action or proceeding, but any party aggrieved by any such charge, or refusal to charge, may assign errors upon such charge, or refusal to charge, in his assignments of error, the same as if exception had been made to such charge or refusal to charge. Exceptions to or refusal to charge not necessary.

Approved April 9, 1901.

[No. 53.]

AN ACT for the organization of corporate Congregational churches.

The People of the State of Michigan enact:

Number who
may organize.

Articles, what
to contain.

May elect
trustees.

Term of office.

Record of
election.

Fee of county
clerk for
recording
record.

To be a body
corporate.

SECTION 1. That it shall be lawful for any number of persons of full age, not less than five, who may desire to form themselves into a Congregational church, to execute and acknowledge before any person authorized to take acknowledgment of deeds, articles of association, in writing, whereby they shall agree to organize a church, according to the faith and usages of the churches commonly called Congregational, under the name and style set forth in said articles of association, which articles shall contain the following items:

First. The name of said church;

Second. The township, village or city, and the county in which said church shall be located;

Third. An agreement to worship and labor together as a church according to the faith and usages of the churches commonly called Congregational.

SEC. 2. The persons who shall have signed the said articles of association may, at their discretion, elect at the time and place of signing the articles, or designate by majority vote some other time and place for electing, by ballot, and by majority vote, such number of persons, not less than three nor more than twelve, as they may deem necessary, to serve as trustees of the said church until their successors shall be elected, a majority of whom shall be members of the said church; one-third of such trustees shall, at the first election, be chosen for three years, one-third for two years, and one-third for one year, as near as may be; but thereafter, except to fill vacancies, they shall be chosen for three years; of which election a full record shall be made, and a certified copy of such record, signed by the presiding officer and the secretary of the meeting held for such election, together with the said articles of association, shall be recorded by the clerk of the county wherein such church or their place of worship shall be located, in a book by him provided for that purpose; and such clerk shall be entitled to ten cents for each folio for recording the same. When such articles of association and the certificate of the record of the said election of trustees shall have been so filed for record in the county clerk's office, the trustees so chosen and their successors in office shall become thereby and be a body corporate by the name expressed in the said articles of association, with all the rights and privileges appertaining to religious corporations of this order.

SEC. 3. It shall be lawful for said church at any regular or called meeting of its members, due notice having been given as hereinafter provided, by a two-thirds majority of the ballots cast at such meeting, to alter or amend its articles of association, in any manner not inconsistent with the provisions of this act; and such alteration or amendment shall become operative when a copy of the same, duly certified by the presiding officer and the clerk of such meeting, and acknowledged before any person authorized to take acknowledgment of deeds, shall be filed with the clerk of the county for record.

May alter or
amend
articles.

Amendment,
etc., when
operative.

SEC. 4. It shall not be lawful for anyone to vote in the meetings of such corporate church after the first election of trustees, on questions touching the church as a corporate body—such as the choice of trustees, or pastor, or treasurer, or clerk, or committees, the pastor's salary, the acquisition, lease, mortgage, sale, of real and personal property, the building, repairing, removal, enlarging and sale of church and parsonage buildings, or whatever else pertains to the said church as a legal corporation—unless such person shall be of legal age, shall be a member of such church in regular standing, and shall have attended the worship of said church statedly for six months; and contributed regularly according to the custom thereof to the support of such church for one year next preceding the time when such vote is offered: *Provided*, That if the church shall not have been organized so long, or has for any cause suspended worship for a season, the voters at the time of organization or of suspension shall be entitled to vote the same as if worship and payment had been had during the preceding year.

Who may vote
at meetings.

Proviso.

SEC. 5. When a meeting of the said church shall be called for the transaction of any business relating to the church as a corporate body, as specified in the preceding section of this act, notice of the same, specifying the time, place, object or objects, of the meeting, shall be read from the pulpit on the two successive Sundays on which services shall be held preceding such meeting; but in case it is proposed to alter or amend the articles of association, the proposed alteration or amendment shall be read from the pulpit three successive Sundays at which services shall be held preceding the meeting at which action is to be taken thereon, and the said amendment or alteration shall not itself be amended, in any material point, in the same meeting at which it is adopted: *Provided*, That if there shall be no public services at which the said notice may be given, then notices of the said meetings may be posted on the church door or published in the town, city or county newspaper, whose circulation among the members is greatest, for three weeks preceding such meeting, specifying time, place, and object of said meeting.

Notice of
meeting, how
given.

Proviso.

Power of legal
vote.

SEC. 6. Those entitled to vote under section four of this act shall have power to choose, call and settle a pastor, and to ascertain and fix his salary; to elect, by ballot, trustees, treasurer and clerk; to instruct the trustees to lease, buy, sell, convey or mortgage real estate; to rent, buy, build, repair, enlarge, sell or transfer school, parsonage or church buildings or other buildings needful for church, parsonage, school or cemetery purposes; and to control the action of all officers and committees as it may deem wise; but it shall do these things only in meetings duly called for the purpose, as provided for in section five in this act. Other matters, not specified in this section, which pertain to the corporate affairs of the church, may be left to the discretion of the trustees.

Certain mat-
ters left
to trustees.

Powers, etc.,
of trustees.

SEC. 7. The trustees may have a common seal, and may alter the same; they may, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges, and all property, whether real or personal, of whatever sort it may be, belonging or appertaining to the said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had been originally vested in said trustees. And they may hold in trust and in perpetuity so much land as may be needful for the proper purpose of the said church, not exceeding five acres; and they may hold for a period not exceeding fifteen years real estate which may be lawfully conveyed or bequeathed to them, or to the said church, or to the Sunday school connected with the said church of which they are trustees, to be sold and the proceeds to be used in any way for the benefit of said church or Sunday school, or of both conjointly; but if such real estate be not disposed of and the proceeds applied as directed in the conveyance or bequest in the said period of fifteen years, the same shall revert to the grantor, his heirs or assigns. The trustees are subject to the control of the church, as provided in section six of this act, and they shall report all their proceedings to the church, for the information and approval of the same. The trustees shall be elected by ballot at the annual meeting, except to fill vacancies, and the notice of such meeting shall name the trustees whose terms of office expire at the close of said meeting, and whose places are to be filled.

Real estate,
how held.

To report to
church.

How elected.

Proceedings
when church
is without
trustees.

SEC. 8. If any such church shall at any time be without trustees, for any cause, such church shall not in consequence lose its corporate existence; but said church may, at any time within six years, proceed to elect trustees, as provided for in this act, who shall be the successors in all respects of those previously chosen, and shall be possessed of all their rights and property, real and personal, the same as if no break in the succession had occurred; but in case a church shall be-

come extinct and shall be declared extinct by vote of the association of churches to which it belonged at the time of its extinction, then the property of said church, real and personal, together with all funds held in trust by it or by its trustees or deacons, either for the said church or for any school connected with it, or for a pastor's library, or for any other purpose, shall revert to "The Michigan Congregational Association," a body duly incorporated under the laws of Michigan, whose trustees shall take and hold the same in trust for said extinct church, in case it shall revive within six years from the time it was declared extinct by the association to which it belonged; but in case the church shall not be revived within six years the trustees of the said Michigan Congregational Association shall hold the same in trust, or dispose of said property or funds at their discretion, and apply the income or the proceeds of the sale to the building of churches or parsonages, or to the prosecution of missionary work within the State or country, or for any other purpose for which the property before was used, according to the discretion of said trustees: *Provided*, That all bequests or funds received from said church shall be sacredly used for the object or objects for which they were given, except those given for the benefit of said extinct church, which shall be used by said trustees as above provided. This section shall apply to any extinct Congregational church whether incorporated or in connection with an incorporated religious or ecclesiastical society.

Disposition of assets in case of extinction.

To be held in trust.

When may sell assets, disposition of proceeds.

Proviso as to bequests.

SEC. 9. Any Congregational church, heretofore incorporated, and separate from a religious or ecclesiastical society or heretofore consolidated with its ecclesiastical society, may at a duly called meeting for the purpose, and by a two-thirds vote of those present and voting, place itself under the provisions of this act, the same as if incorporated under it.

Vote required to come under provisions of act.

SEC. 10. In all cases that may arise in any of the courts of the State touching churches incorporated under this act, or which by vote have put themselves under its provisions, whether cases in law or in equity, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force to all the rights and privileges hereby granted by this act to corporate churches.

Act to have full force and effect.

This act is ordered to take immediate effect.

Approved April 9, 1901.

[No. 54.]

AN ACT to provide for the appointment of a guardian for members of the Michigan Soldiers' Home in certain cases.

The People of the State of Michigan enact:

When commandant may be appointed guardian.

SECTION 1. When, in the opinion of a majority of the board of managers of the Michigan Soldiers' Home, it is necessary that a guardian shall be appointed for any member of said home, the judge of probate of Kent county may, upon application being made to him, appoint the commandant of the Michigan Soldiers' Home to the office of said guardian.

To execute bond.

SEC. 2. The board of managers of said home shall require from the commandant a good and sufficient bond for the faithful performance of his duties as such guardian, and upon a satisfactory showing being made to the judge of probate that such bond has been executed, he shall not require a further bond to be given.

Action taken by managers to be recorded.

SEC. 3. Whenever said board of managers deem it necessary that a guardian be appointed for any member of the Michigan Soldiers' Home the action taken in the matter by them shall be a matter of record upon the clerk's minutes of the proceedings of said board.

Commandant to serve without compensation.

SEC. 4. The commandant of said home shall receive no fees or allowances as compensation for his services as such guardian, but actual reasonable expenses incurred in the execution of his trust may be allowed.

Property to be delivered to successor.

SEC. 5. When, from any cause, the commandant of said home shall cease to hold the office of commandant, his trust as guardian of any member of said home shall also cease, and he shall turn over to his successor in office all property in his hands belonging to his wards, members of the Michigan Soldiers' Home, and said successor shall, ex officio, become the guardian of said wards, subject to the same conditions as would be required had he been originally appointed guardian of said wards.

This act is ordered to take immediate effect.

Approved April 9, 1901.

[No. 55.]

AN ACT to amend sections one and seven of act number two hundred and thirty-three, of public acts of eighteen hundred and eighty-seven, entitled "An act to authorize the sale in certain cases of land, devised or bequeathed by will, without power of sale," being sections nine thousand two hundred and thirty-four and nine thousand two hundred and forty of the compiled laws of eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections one and seven of act number two hundred and thirty-three of public acts of eighteen hundred and eighty-seven, entitled "An act to authorize the sale in certain cases of lands, devised or bequeathed by will, without power of sale, being sections nine thousand two hundred and thirty-four and nine thousand two hundred and forty of the compiled laws of eighteen hundred and ninety-seven," be and the same are hereby amended so as to read as follows: Sections amended.

SECTION 1. Whenever any person shall be seized or possessed of any lands, tenements or hereditaments devised to such person for life with or without power of appointment by will, or of any lands, tenements or hereditaments devised to such person in trust without power of sale, the circuit court in chancery for the county where such property is situated may, on the petition of such person, order that such land, tenements and hereditaments be sold under the direction of the court whenever by a proper showing by witnesses produced before the court it shall satisfactorily appear that the rights of the interested parties will otherwise be jeopardized. Circuit court may order sale, etc.

SEC. 7. Upon the making of an order of sale as aforesaid, the petitioner, or other person or persons appointed trustee or trustees by the court to receive the proceeds of said sale, shall give such bond, in such penalty and with such sureties, and in such form as the court shall direct, which bond shall run to the register of the court for the use and benefit of any person who may be or become interested in such lands, tenements or hereditaments, or their proceeds, conditioned for the investing of and accounting for the proceeds of such lands, tenements and hereditaments, and for the observance of all orders of the court in relation thereto. Petitioner to give bonds.

This act is ordered to take immediate effect.

Approved April 9, 1901.

[No. 56.]

AN ACT to authorize the prosecuting attorney of Oakland county, Michigan, to appoint an assistant prosecuting attorney for said county, and prescribing his duties, powers and compensation.

The People of the State of Michigan enact:

- Appointment of assistant.** SECTION 1. That the prosecuting attorney of the county of Oakland is hereby authorized and empowered to appoint an assistant prosecuting attorney for Oakland county, and may revoke such appointment at pleasure.
- Where filed, etc.** SEC. 2. Such appointment, and the revocation thereof, shall be in writing, under the hand of the prosecuting attorney, and shall be filed in the office of the clerk of said county; the person so appointed, before entering upon the duties of such
- Oath of office.** office, shall take the oath prescribed by the constitution of the State, and file the same together with his acceptance, with the county clerk of said county.
- Powers, etc.** SEC. 3. The said assistant prosecuting attorney shall have full power and authority to appear for and in behalf of the people of the State in all criminal and other matters to the same extent as the prosecuting attorney of said county, when required of him by the prosecuting attorney.
- Compensation.** SEC. 4. Said assistant prosecuting attorney shall receive no salary except such compensation as shall be paid to him by the prosecuting attorney of said county.
- This act is ordered to take immediate effect.
Approved April 11, 1901.

[No. 57.]

AN ACT to amend an act entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp meetings or assemblies, or associations and societies organized for intellectual or scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes," approved March twenty-ninth, eighteen hundred eighty-nine, by adding thereto new sections, to be known as sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two.

The People of the State of Michigan enact:

- Act amended.** SECTION 1. That act number thirty-nine of the public acts of eighteen hundred eighty-nine, entitled "An act to authorize the formation of corporations for the purchase and improve-

ment of grounds to be occupied for summer homes, for camp meetings or assemblies, or associations and societies organized for intellectual or scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes," approved March twenty-ninth, eighteen hundred eighty-nine, be and the same is hereby amended by adding thereto seven sections, to stand as sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, which shall read as follows: •

SEC. 16. Whenever the board of trustees of any such association shall serve upon the assessing officer of the township, city or village in which its real estate is situated a notice in writing, signed by its secretary and under its corporate seal, requesting that all of the cottages and buildings owned by its lessees, situate upon the lands of the association, and not exempt from taxation as hereinbefore provided, be assessed to the association as a part of its real estate, the same as if owned by it, then and thereafter all such real estate and cottages, and buildings thereon, shall be assessed to such association as real estate and taxes paid thereon, by the association the same as if in fact the owner thereof, and no lease had been made. Property of,
how assessed.

SEC. 17. Whenever the real estate of any such association and the cottages and buildings thereon shall be assessed to the association and taxes paid as provided in the last preceding section, the association may assess, levy and collect from its several lessees, owners of cottages and buildings, such fair and just proportion of the taxes thus levied and paid as the value of such cottages and buildings shall bear to the total valuation of such real estate assessed in the manner aforesaid, such assessment and levy to be made in the manner hereinafter provided, and the amount to be paid by any such owner or lessee when so fixed and determined shall constitute and be a debt against such owner of and a lien upon the cottage or building thus assessed, payable with interest as hereinafter provided, and the association may enforce the payment thereof in the same manner as in the case of non-payment of rent or non-performance of any condition in the lease under which said lessee holds, and no transfer or assignment of any such lease shall be valid until such assessment or tax is paid. When portion
of taxes to be
collected from
lessees.

SEC. 18. There shall be elected at each annual meeting of the association, or at some special meeting thereof called for that purpose, three assessors, members of the association, to be known and called the board of assessors, who shall hold their office until the next annual meeting. In case of a vacancy in such board, caused by death, resignation, failure to accept office, or otherwise, the board of trustees may fill such vacancy by the appointment of some suitable member of the association, who shall hold the office until the next annual meeting. To constitute
a lien.

Election of
board of
assessors.

Vacancy.

Duty of board. SEC. 19. It shall be the duty of such board of assessors, and they are hereby authorized and empowered, to ascertain the amount of all taxes paid by the association, as herein contemplated, as soon as practicable after the payment thereof, and thereupon to fix and determine on the basis aforesaid the sum or sums of money to be paid to the association by each of the owners of such cottages or buildings as his, her or their just proportion of taxes paid by the association, and shall report to the board of trustees such determination and finding in writing, and the sum and sums of money thus fixed and determined, as shown by said report, shall be final and conclusive upon all parties, and shall constitute an indebtedness and lien as aforesaid, payable within twenty days from the date of the filing of such report, with interest thereon at the rate of six per cent from the date of such filing until paid.

To report
amount of
taxes to
trustees.

Board of trustees to make correction. SEC. 20. The board of trustees may correct any error or mistake in such report in the name of any owner or lessee of any such cottage or building, or of the description of the premises upon which the same is situated, and insert therein the right name and description of any such premises, and may also insert therein any cottage or building liable to be assessed as herein contemplated which does not appear in such report with apt description thereof, and assess and determine the just and fair amount that should be paid by the owner thereof, and the amount thus determined shall constitute a debt against the owner of such cottage or building and a lien thereon, and have the same force and effect as if made by said board of assessors and embraced in their report.

Effect of
determination
of board of
assessors.

SEC. 21. The finding and determination and report of a majority of the members of the board of assessors, as set forth in their report, shall have the same force and effect as if the same had been made and the report signed by the entire board.

Highway
taxes, how
expended.

SEC. 22. All moneys assessed, levied and paid upon the property of such association for highway purposes, including labor tax or assessment, shall be expended and laid out upon the highways and streets upon or running across the lands of the association at such time and times, at such place and places, and in such manner as shall be directed by the board of trustees, or by the association's superintendent of the grounds: *Provided always*, That such expenditure shall not in any manner do away with, lessen or abridge the jurisdiction and control of the association or its trustees over or upon such streets and highways hereinbefore granted.

Proviso.

This act is ordered to take immediate effect.

Approved April 11, 1901.

[No. 58.]

AN ACT to amend section fifty-three of chapter three hundred three of the compiled laws of eighteen hundred ninety-seven, entitled "Of the action of ejectment," being compiler's section ten thousand nine hundred ninety-eight.

The People of the State of Michigan enact:

SECTION 1. That section fifty-three of chapter three hundred three of the compiled laws of eighteen hundred ninety-seven, entitled "Of the action of ejectment," being compiler's section ten thousand nine hundred ninety-eight, be and the same is hereby amended to read as follows:

(10998) SEC. 53. If the plaintiff shall not elect to abandon the premises to the defendant, he shall within one year after the rendition of the judgment for the recovery of the premises, in cases of recovery of an entire interest, pay to the clerk of the court, for the use of the defendant, such sum as shall have been assessed for the buildings and improvements, with interest thereon; and in cases where a recovery of an undivided interest is had, the said plaintiff shall pay to the said clerk, for the use of the defendant, within the time aforesaid, a proportionate part of such sum as shall have been assessed for the buildings and improvements, with interest thereon; and no writ of possession shall issue on the judgment rendered on the verdict, nor any new action be sustained for the land, or undivided interest in the same, as the case may be, until such sum is paid; in case of a recovery of an entire interest, and until a proportionate part of such sum is paid in case of a recovery of an undivided interest, and a default to pay to said clerk as aforesaid, shall be deemed an abandonment of all claim of title to the premises, and a bar to the recovery thereof: *Provided*, That the plaintiff's taxed costs shall be set off by the clerk against the amount of the verdict recovered by the defendant for buildings and improvements, and where the amount of such taxed costs equals or exceeds the amount of the verdict for buildings and improvements, it shall not be necessary for the plaintiff to make any payment in satisfaction of the defendant's verdict for buildings and improvements.

Plaintiff may pay value of improvements within one year: effect of neglect.

Proviso as to taxed costs.

This act is ordered to take immediate effect.

Approved April 12, 1901.

[No. 59.]

AN ACT to amend sections one and two of act number one hundred and seven of the public acts of eighteen hundred and seventy-one, entitled "An act to provide for the sale of perishable property," being compiler's section number ten thousand three hundred sixty and ten thousand three hundred sixty-one of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections amended.	SECTION 1. That sections one and two of act number one hundred and seven of the public acts of eighteen hundred and seventy-one, being "An act to provide for the sale of perishable property," being compiler's section ten thousand three hundred sixty and ten thousand three hundred sixty-one of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:
Sheriff may sell perishable property.	SECTION 1. That whenever the sheriff of any county shall, by virtue of any attachment or execution, issued by a court of record, levy upon any peaches, blackberries, raspberries, strawberries (or other perishable property), he shall proceed to sell the same at such time, place or manner as he may deem most beneficial for the interest of the defendant.
Constable may sell.	SEC. 2. That whenever any constable shall, by virtue of any attachment or execution issued by any justice of the peace, levy upon any peaches, blackberries, raspberries, strawberries (or other perishable property), he shall forthwith make his return to said justice who by a written order shall authorize the constable to sell said property at such time, place and manner as said justice shall deem most beneficial for the benefit of the defendant.
Sales to be made on order of court.	SEC. 3. No sale shall be made under the provisions of this act except upon the written order of the court from which process shall have been issued authorizing such sale at such time, place and manner as said court shall decree most beneficial for the benefit of defendant: <i>Provided</i> , That the court shall direct reasonable notice to be given to the defendant or his agent of the time and the place of such application to sell.
Proviso.	Approved April 12, 1901.

[No. 60.]

AN ACT to amend sections twenty-nine and thirty-one of act number two hundred sixty-four of the session laws of eighteen hundred sixty-one, entitled "An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula," approved March sixteen, eighteen hundred sixty-one, as subsequently amended, and being compiler's sections ten thousand six hundred twenty-seven and ten thousand six hundred twenty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections twenty-nine and thirty-one of act number two hundred sixty-four of the session laws of eighteen hundred sixty-one, entitled "An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula," approved March sixteen, eighteen hundred sixty-one, as subsequently amended, and being compiler's sections ten thousand six hundred twenty-seven and ten thousand six hundred twenty-nine of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

SEC. 29. When the answer of the garnishee shall declare that any other person than the defendant claims the indebtedness or property in his hands, or any part thereof, and the name and residence of such claimant, if residing either in this State or in any other state or country, the court may, on motion, order that such claimant be interpleaded as a defendant to the garnishee action, and that notice thereof, setting forth the fact with a copy of such order, in such form as the court shall direct, be served upon him; and after such service shall have been made, the garnishee may pay or deliver such indebtedness or property to the clerk of the court, and have a receipt thereof, which shall be a complete discharge from all liability to any party for the amount so paid or the property so delivered. Such notice shall be served within the State of Michigan, by the sheriff of the county where such service is made, in the manner required for service of a summons in a civil action; if served outside of the State of Michigan such service shall be made by any competent person, and proof of the fact of such service shall be made by affidavit and filed with the clerk of the court where such garnishee proceedings are commenced. If such personal service cannot be had, then such service shall be made as the court shall direct. Upon such service being made and proof thereof being filed in the cause, such claimant shall be deemed a defendant to the garnishee action and within twenty days shall answer, setting forth his claim or any de-

Sections amended.

Rights of persons claiming property in hands of garnishee.

When claimant deemed a defendant to garnishee action.

fense which the garnishee might have made. In case of default, judgment may be rendered, which shall conclude any claim on the part of such defendant; for the purpose of trying the title as between the plaintiff and any defendant or defendants, and between two or more defendants so interpleaded, to the money, property or indebtedness paid to or delivered to the clerk as aforesaid, the court may order an issue to be formed and may proceed to try the same or direct the trial thereof by a jury as in other cases. Such issue may be in the form provided in this act, to be formed between the plaintiff and the garnishee; and the judgment or judgments entered therein shall have the same force and effect as in suits between the same parties relative to the same subject matter.

Proceedings
against non-
residents.

SEC. 31. If the plaintiff, in addition to the allegations hereinbefore required to be contained in the affidavit for the writ of garnishment, shall set forth in such affidavit that the principal defendant is a non-resident of the county or state where the suit is commenced, or that one of the principal defendants is a non-resident of the county or state, where there is more than one principal defendant, or a foreign corporation created in any jurisdiction (naming it), the principal writ or declaration and affidavit may be filed of the day of issue, and the writ of garnishment may be served as in ordinary cases; and within sixty days after such service the plaintiff shall cause to be delivered to such non-resident defendant or defendants, or the president, secretary, cashier or treasurer of such foreign corporation residing out of this State, or upon any officer, clerk or agent residing or to be found within this State, a true copy of the principal writ or declaration, affidavit and writ of garnishment, with return of service thereon, and with a written or printed notice attached, signed by the plaintiff or his attorney, stating that said non-resident defendant or defendants, or foreign corporation, is notified to appear and defend within thirty days after such service, or default will be entered and judgment taken, and upon filing an affidavit of such service, further proceedings to judgment may be had as in ordinary personal actions. If there is more than one defendant, some of whom reside within this State, notice shall be served on the resident defendants of the time and manner of giving notice to the non-resident defendants.

When notice
to be served
on resident
defendants
of notice to
non-resident
defendants.

Approved April 12, 1901.

[No. 61.]

AN ACT to repeal section forty-four of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," being section three thousand six hundred fifty-four of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Section forty-four of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," being section three thousand six hundred fifty-four of the compiled laws of eighteen hundred ninety-seven, is hereby repealed.

Section
repealed.

Approved April 12, 1901.

[No. 62.]

AN ACT to amend sections thirteen and twenty-five of chapter three of act number one hundred and sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being sections four thousand six hundred seventy-eight and four thousand six hundred ninety-one of the compiled laws of one thousand eight hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections thirteen and twenty-five of chapter three of act number one hundred and sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being sections four thousand six hundred seventy-eight and four thousand six hundred ninety-one of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Sections
amended.

(4678) SEC. 13. The district board shall hire and contract with such duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the

Board to hire
teachers.

Contracts.	board on behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the
Where filed.	close of the school. Said contract shall be filed with the director and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach, or with any member of the district board, shall be valid, and all contracts shall terminate, if a certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal
Teacher to have legal certificate.	authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.
School month.	(4691) Sec. 25. It shall be the duty of the assessor of each school district:
Assessor to execute bond.	First. To execute to the district and file with the director within ten days after his election or appointment, a bond in double the amount of money to come into his hands as such assessor during his term of office, as near as the same can be ascertained, with two sufficient sureties who shall be residents of the same county, unless the assessor shall furnish a bond of some surety company authorized to do business in this State, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office, and to perform all the duties of his said office as required by the provisions of this act. Said bond shall be filed with the director, and in case of any breach of the condition thereof, the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the assessor;
Who to approve.	Second. To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;
Where filed.	Third. To keep a book in which all the moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid;
To pay orders.	Fourth. To present to the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year, and of each item of disbursements made, and exhibit the vouchers therefor;
To keep record.	Fifth. To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meet-
To report annually.	
To appear for district in suits.	

ing, except in suits in which he is interested adversely to the district, and in all such cases the moderator shall appear for such district if no other direction be given as aforesaid;

Sixth. At the close of his term of office to settle with the district board, and to deliver to his successor in office all books, vouchers, orders, documents, and papers belonging to the office of assessor, together with all district moneys remaining on hand; To deliver books, etc., to successor.

Seventh. To perform such other duties as are or shall be by law required of the assessor. Other duties.

Approved April 12, 1901.

[No. 63.]

AN ACT fixing the time when sheriff's certificate of sale of real estate under execution shall expire, unless deed be given and recorded.

The People of the State of Michigan enact:

SECTION 1. When the premises mentioned in any sheriff's certificate of sale of real estate under execution shall not be redeemed in pursuance of law, the legal holder of such certificate shall be entitled to a deed therefor at any time within ten years from the expiration of the time of redemption. If the time of redemption shall have elapsed before the taking effect of this act, a deed may be given within five years from the time this act shall take effect. When such deed is not taken and recorded within the time limited by this act, the certificate of purchase shall become and be null and void. When certificate holder entitled to deed.

Approved April 16, 1901.

[No. 64.]

AN ACT making an appropriation for the Michigan Soldiers' Home to meet the deficit in the appropriation made by act number one hundred twenty, public acts of eighteen hundred ninety-nine, for current expenses for the fiscal year ending June thirtieth, nineteen hundred one, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation
for deficit
expense.

SECTION 1. There is hereby appropriated from the general fund the sum of seven thousand two hundred dollars for the purpose of meeting a deficit in the current expenses of the Michigan Soldiers' Home for the fiscal year ending June thirtieth, nineteen hundred one, caused by the number of inmates being in excess of the number included in the estimate upon which the appropriations for nineteen hundred and nineteen hundred one were based. The amount herein appropriated is made available during the fiscal year ending June thirtieth, nineteen hundred one.

When
available.

How paid.

SEC. 2. The amount appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan Soldiers' Home at such time and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax clause.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of seven thousand two hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved April 16, 1901.

[No. 65.]

AN ACT to amend section one of act number seventy-nine of the public acts of eighteen ninety-nine, entitled "An act to provide for the payment of taxes, fines, penalties, license and other fees and the requirement of certificates of authority in certain cases, of fraternal societies and insurance corporations organized in other states and having agents in this State."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number seventy-nine of the public acts of eighteen ninety-nine, entitled "An act to

provide for the payment of taxes, fines, penalties, license and other fees and the requirement of certificates of authority in certain cases, of fraternal societies and insurance corporations organized in other states and having agents in this State," be and the same is hereby amended so as to read as follows:

SECTION 1. Whenever by the existing or future laws of any state an insurance corporation of this State, or agent thereof, shall be required to make any deposit of securities in such other state for the protection of the policy holders or otherwise, or to make payment for taxes, fines, penalties, certificates of authority, valuation of policies, license fees or otherwise, greater than the amount required by the laws of this State from similar corporations of such state, established or heretofore having established an agency or agencies in this State, the insurance companies of such state shall be and they are hereby required to make a like deposit for the like purposes in the insurance department of this State, and to pay to the Commissioner of Insurance for taxes, fines, penalties, certificates of authority, valuation of policies, license fees and otherwise, a rate equal to the amount of such charges and payment imposed by the laws of such other state upon similar corporations of this State and the agents thereof: *Proceedings when required to make deposit of securities, etc.*
Foreign companies to make like deposit.
Provido.
Provided, That corporations organized under the laws of any state or country other than these United States shall, so far as the provisions of this act, be considered corporations of that state wherein its general deposit for the benefit of its policy holders is made.

This act is ordered to take immediate effect.

Approved April 18, 1901.

[No. 66.]

AN ACT for the prevention and suppression of foul brood among bees in the State of Michigan, and the inspection thereof, and to make an appropriation therefor, and to repeal act number one hundred forty-one of the public acts of eighteen hundred eighty-one, being sections fifty-six hundred sixty-three, fifty-six hundred sixty-four, fifty-six hundred sixty-five, fifty-six hundred sixty-six, fifty-six hundred sixty-seven, fifty-six hundred sixty-eight, fifty-six hundred sixty-nine and fifty-six hundred seventy of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. The Dairy and Food Commissioner upon receipt of a certified copy of the record of the Michigan State Bee-keepers' Association, by the secretary of said association, *Inspector of apiaries, how appointed.*

showing that a majority of the members of said association recommended the appointment of an inspector of apiaries, shall appoint a State inspector of apiaries. Said inspector shall be responsible to the Dairy and Food Commissioner and shall comply with such rules and regulations as the Dairy and Food Commissioner shall from time to time prescribe for the carrying out of the work of said State inspector.

When Dairy
and Food
Commissioner
to cause in-
spection.

SEC. 2. The Dairy and Food Commissioner shall, when notified in writing by the owner of an apiary or by three disinterested taxpayers in the vicinity of the apiary, cause the inspector to examine such apiaries as are reported and all others in the same locality not reported, and ascertain whether or not the disease known as foul brood or other contagious disease exists in such apiaries, and if satisfied of the existence of foul brood, he shall give the owner or care-taker of the diseased apiaries full instructions how to treat said case as in the inspector's judgment seems best.

Duty of in-
spector when
foul brood is
found.

Inspector to
burn apiaries
found not
cured.

SEC. 3. The inspector who shall be the sole judge may visit all diseased apiaries a second time and if need be burn all colonies of bees and combs that may be found not cured of foul brood or other contagious diseases.

Penalty for
selling
diseased bees,
honey, etc.

SEC. 4. If the owner of a diseased apiary, honey or appliances shall knowingly or wilfully sell, barter, or give away any bees, honey or appliances, or expose other bees to the danger of said disease or refuse to allow said inspector to inspect such apiary, honey or appliances, said owners shall on conviction before a justice of the peace, be liable to a fine of not less than fifty dollars nor more than one hundred dollars, or not less than one month's imprisonment in the county jail, nor more than two months' imprisonment.

Report of
inspector,
what to
contain.

SEC. 5. In addition to such individual reports as are required under this act by the inspector of apiaries, he shall make an annual report to the Dairy and Food Commissioner, giving the number of the apiaries visited, the number of diseased apiaries found, the number of colonies treated, also the number of colonies destroyed by fire, and an itemized account of his transportation expenses with affidavit annexed thereto.

Appropriation.

Salary of
inspector.

SEC. 6. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated a sum not exceeding five hundred dollars per year for the suppression of foul brood among bees in Michigan. The inspector shall receive three dollars per day and actual transportation expenses for actual time served, which sum shall not exceed the money hereby appropriated, to be paid by the State Treasurer upon warrants drawn by the Auditor General and approved by the Dairy and Food Commissioner.

Acts repealed.

SEC. 7. Act number one hundred forty-one of the public acts of eighteen hundred eighty-one, being section fifty-six hundred sixty-three, fifty-six hundred sixty-four, fifty-six hun-

dred sixty-five, fifty-six hundred sixty-six, fifty-six hundred sixty-seven, fifty-six hundred sixty-eight, fifty-six hundred sixty-nine and fifty-six hundred seventy of the compiled laws of eighteen hundred ninety-seven, is hereby repealed.

This act is ordered to take immediate effect.

Approved April 18, 1901.

[No. 67.]

AN ACT to amend section four of act number one hundred forty-nine of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and the powers and duties thereof," as amended by act number one hundred twenty-five of the public acts of eighteen hundred ninety-seven, and act number two hundred twenty-four of the public acts of eighteen hundred ninety-nine; the same being section three thousand six hundred sixty-five of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section four of act number one hundred forty-nine of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and the powers and duties thereof," as amended by act number one hundred twenty-five of the public acts of eighteen hundred ninety-seven, and act number two hundred twenty-four of the public acts of eighteen hundred ninety-nine, being section three thousand six hundred sixty-five of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended, so as to read as follows:

SEC. 4. The said board shall then proceed, without delay, to canvass the return of votes cast for all candidates for office voted for and all other questions voted on at said election, according to the returns filed in the office of the county clerk by the several boards of election inspectors of the various voting precincts in the county. If it shall be found, upon the convening of said board of canvassers, that the returns from any of the boards of election inspectors of the several election districts are missing, incomplete or incorrect, or for any other reason it is found necessary, then said board of county canvassers shall have power to adjourn from day to day until said returns shall have been procured or corrected. Said board of canvassers are hereby empowered to summon the person or persons having the boxes containing

Section amended.

Duties of board of county canvassers.

May adjourn.

May summons
election
inspectors.

Upon com-
pletion of
canvass.

How certified.

To declare
result.

the ballots cast at such election and the keys and seals of said boxes or having such returns or the poll books or tally sheets used and made at such election to bring said boxes, keys, seals, returns, poll books and tally sheets before said board, and said board of canvassers are authorized to open said boxes and take therefrom any books or papers bearing upon the count and return of the election inspectors of such election districts, but they shall not remove or mark the ballots therein. Said board of canvassers may summon such election inspectors before them and require them to make correct returns in case in its judgment, after examining such returns, poll books or tally sheets, the returns already made are incorrect or incomplete, and they shall canvass the votes from the corrected returns. When the examination of such papers is completed the same shall be returned to the ballot boxes or delivered to the persons entitled by law to the same, and the boxes shall be locked and sealed and delivered to the legal custodians thereof. When said canvass shall have been finished, the said board of county canvassers shall prepare a statement setting forth their findings in the premises, and giving in detail the number of ballots cast for each candidate and the result of the votes cast on all other questions voted on at said election. They shall certify thereto under their hands and the seal of the circuit court of the county. It shall also be the duty of said board to declare the result of the election for county officers and members of the legislature, when the county alone constitutes one or more senatorial or representative districts, and to publish said result and a statement of votes cast, within thirty days after said election is held, in at least two newspapers printed and circulating in said county.

Approved April 18, 1901.

[No. 68.]

AN ACT to amend section forty-nine of act number one hundred seventy-three of the public acts of Michigan of the year eighteen hundred fifty-five, being an act entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" being section seven hundred fifty-four of the compiled laws of Michigan for the year eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section forty-nine of act number one hundred seventy-three of the public acts of Michigan of the year eighteen hundred fifty-five, being an act entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" being section seven hundred fifty-four of the compiled laws of Michigan for the year eighteen hundred and ninety-seven be and the same is hereby amended so as to read as follows:

SEC. 49. The first process against a corporation shall be a summons and shall be served by leaving a copy thereof with the president, cashier, secretary, treasurer or any other officer or agent of such corporation, or by leaving such copy at the banking house or office of such corporation; and upon the return of such service being made such corporation shall be deemed to be in court and the like proceedings as near as may be shall be thereupon had as in cases of suits between individuals.

Approved April 18, 1901.

[No. 69.]

AN ACT to amend act number fifty of the public acts of eighteen hundred seventy-five, entitled "An act to authorize judges of probate to require new bonds from executors, administrators, special administrators, guardians, and trustees," being compiler's section nine thousand four hundred ninety-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That act number fifty of the public acts of eighteen hundred seventy-five, entitled "An act to authorize judges of probate to require new bonds from executors, administrators, special administrators, guardians, and trus-

tees," being compiler's section number nine thousand four hundred ninety-nine of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Judge of probate may require new bond.

When may remove executor, etc.

When court may discharge existing sureties.

Proviso.

Further proviso.

(9499) SECTION 1. The judge of probate of any county in this State may require a new bond or an additional bond to be given by any executor, administrator, guardian or trustee, whenever he shall deem it necessary and proper, and the court of its own motion may remove any executor, administrator, guardian or trustee who fails or neglects to give such new or additional bond within the time required by the order of the court, notice of which order shall be given to such executor, administrator, guardian or trustee by personal service, if he be found in the county, otherwise such notice may be given by publication under the direction of the court. On filing such new bond, the court may discharge the existing sureties from such responsibility, when it satisfactorily appears that no injury can result therefrom to any person interested in the estate: *Provided, however,* That such existing sureties shall not be discharged from liability upon such bond until a new bond shall have been filed, with sureties approved by the judge of probate: *Provided further,* That such existing sureties shall not be discharged from any liability incurred prior to the filing of such new bond, and the old bond shall be retained by the judge of probate for the benefit of all persons who may be interested therein.

Approved April 18, 1901.

[No. 70.]

AN ACT to amend compiler's section nine thousand three hundred seventy-three of the compiled laws of eighteen hundred ninety-seven, relative to the revival of the commission to commissioners on claims against deceased persons.

The People of the State of Michigan enact:

Section amended.

When judge of probate may renew commission on claims against deceased persons.

SECTION 1. That compiler's section nine thousand three hundred seventy-three of the compiled laws of eighteen hundred ninety-seven, relative to the revival of the commission to commissioners on claims against deceased persons, be and the same is hereby amended so as to read as follows:

SEC. 9373. On the application of a creditor who has failed to present his claim, if made at any time before the estate is closed, the judge of probate may revive the commission and allow further time not exceeding one month, for such creditor to present his claim to the commissioners. When

such claim shall have been presented to the commissioners, they shall personally notify the executor or administrator, and the creditor, or their attorneys, of the time and place of hearing such claim, and as soon as practicable they shall examine and pass upon said claim and make return of their doings to the probate court, within thirty days of the hearing thereof: *Provided*, That all costs and charges resulting from said application, and the proceedings thereon had in the probate court and before such commissioners shall be paid by the party making the application or by the estate, or in part by the applicant and part by the estate, as the probate court, upon application and notice to the administrator or executor, and the party making the application, shall direct.

Notice of
hearing of
claim.

Proviso as to
costs.

Approved April 18, 1901.

[No. 71.]

AN ACT to provide for the incorporation of the grand council and subordinate councils of the Alliance Marquette of the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. That the grand council and subordinate councils, of the Alliance Marquette of the State of Michigan may be incorporated in pursuance of the provisions of this act.

Incorporation
of.

SEC. 2. The five principal officers of the grand council of the Alliance Marquette of the State of Michigan desiring to become incorporated may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgments of deeds, and shall set forth:

Number may
incorporate.

Articles, what
to contain.

First. The names of the persons associating in the first instance and their places of residence;

Second. The corporate name by which such association shall be known;

Third. The place of its principal business office;

Fourth. The period for which it is incorporated not exceeding thirty years;

Fifth. The object and purpose of the association which may be charitable, social, benevolent and literary, and neither such purpose nor the condition of membership in such association shall include any requirement from the members to discriminate against any person in respect to civil rights because of religious belief or affiliation.

Official
language.

SEC. 3. The French language may be adopted as the official language of such association, and all records and proceedings may be kept, and all meetings held in that language, and translations of any of the documents belonging to such association duly authenticated as direct translations of such document, or of the original documents translated from the French into the English language shall be received whenever necessary in all courts of law within this State.

Copy of
articles and
charter, where
filed.

To be body
politic, etc.

Proviso as to
amount of
real estate
may hold.

May make
rules, etc.

Evidence of
incorporation.

Grand council
may institute
subordinate
councils.

Subordinate
councils, how
may become
incorporated.

SEC. 4. A copy of said articles of association, together with a copy of the charter of said grand council shall be filed with the Secretary of State, and thereupon the persons who shall sign such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and their successors estate real and personal, of suing and being sued, and they and their successors may have a common seal which may be changed and altered at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have the authority and power to give, grant, sell, lease, demise and dispose of said real and personal estate or part thereof at their will and pleasure, and the proceeds, rents and income shall be devoted exclusively to the purposes of such association as mentioned and defined by the constitution thereof. Said association shall have the full power and authority to make and establish rules and regulations for the governing of all the affairs and business of said association according to the laws of this State and the United States, and to designate, elect or appoint from its members such officers, under such name and styles as shall be in accordance with the constitution of the grand council.

SEC. 5. A copy of the records of such articles of association under the seal of the State, duly certified according to law, shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such association. Such association when duly formed shall have the power to institute and charter subordinate councils and from time to time to make, ordain, constitute and establish such constitution, general laws and by-laws as the grand council shall adjudge proper for the regulation and government of such subordinate councils not repugnant to the laws of this State.

SEC. 6. Any number of persons, not less than ten, residents of this State being members of the subordinate council of the Alliance Marquette of the State of Michigan, having been duly chartered by the grand council thereof, desiring to become incorporated may make and execute articles of asso-

ciation specifying and providing as in section two of this act, and file a copy of the same with the clerk of the county in which such association shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors shall be a body politic and corporate by the name expressed in such articles of association and provided by the grand council chartering such subordinate council, and by such name they and their successors shall have succession and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association, under the seal of the county where such record is kept shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such corporation: *Provided*, Said association shall be limited to the powers and provisions of section three of this act regarding real and personal estate, and the proceeds thereof under the rules and regulations of the grand council, and may elect or appoint from among its members such officers under such name and style as shall be in accordance with the constitution of said grand council.

To be body politic.

Evidence of incorporation

Proviso as to real estate, etc.

SEC. 7. The business office of the grand council shall be located in the city of Saginaw, county of Saginaw, and State of Michigan, and subordinate councils shall have their business office where said subordinate council shall have been chartered and organized, but the location of the business office of the grand council may be changed at any time by said grand council upon filing a written notice of such change in the office of the Secretary of State within twenty days from the time of the change of such location.

Offices of councils, where located.

How changed.

SEC. 8. Corporations in pursuance of this act shall not be considered as engaged in the business of life insurance, nor shall they be subject to the provisions of the statute relating to life insurance companies or associations: *Provided*, Nothing in this act contained shall permit the making of any contract of insurance except that societies organized hereunder may make provisions for the payment of a funeral benefit of not to exceed two hundred dollars.

Councils not to be construed as life insurance companies. Proviso as to funeral benefit.

This act is ordered to take immediate effect.

Approved April 18, 1901.

[No. 72.]

AN ACT permitting the catching and taking of whitefish and trout, during certain seasons of the year, in the waters of Lake Huron, Saginaw bay, Green bay and Lake Erie bordering on this State, and prescribing the size and weight of such fish to be taken.

The People of the State of Michigan enact:

When lawful
to net white-
fish in certain
waters.

SECTION 1. Hereafter it shall be lawful to take in nets from the waters of Lake Huron, Saginaw bay, Green bay and Lake Erie bordering on this State, whitefish and trout of lawful size from January first to November tenth, in each year, and whitefish of lawful size may be taken in pound nets, trap nets or seines from January first to November twentieth in each year.

When unlaw-
ful.

SEC. 2. It shall be unlawful to take any trout from the waters of Lake Huron, Saginaw bay, Green bay and Lake Erie bordering on this State from November tenth to December thirty-first in each year, and whitefish after November twentieth to December thirty-first in each year, in any manner whatsoever: *Provided, however,* Trout can be taken from nets that cannot be lifted on or before November tenth and whitefish from nets that cannot be lifted on or before November twentieth on account of stress of weather.

Proviso.

Violation of
act a mis-
demeanor.

SEC. 3. Any person violating any of the provisions of sections one and two of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not to exceed one hundred dollars or imprisonment in the county jail for a period not to exceed ninety days, in the discretion of the court.

Penalty.

Acts repealed.

SEC. 4. All acts or parts of acts that are not consistent with this act are hereby repealed only so far as they apply to the waters of Lake Huron, Saginaw bay, Green bay and Lake Erie bordering on this State.

This act is ordered to take immediate effect.

Approved April 19, 1901.

[No. 73.]

AN ACT to amend act number two hundred eighteen of the public acts of eighteen hundred ninety-five, being "An act to authorize and regulate the paroling of convicts," by adding thereto two sections to stand as sections number four and five of said act and follow section number sixty-seven of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred eighteen of the Public Acts of eighteen hundred ninety-five, being "An act to authorize and regulate the paroling of convicts," be amended by adding thereto two sections to stand as sections four and five of said act and to follow section number sixty-seven of the compiled laws of eighteen hundred ninety-seven. Said sections four and five to read as follows: Act amended.

SEC. 4. The warden, superintendent or other person in charge of any prison of this State, from which any convict shall be paroled under the provisions of this act, shall, not later than the tenth day of each month, report to the Governor the information received concerning the conduct, employment, earnings and expenditures of such convict so paroled, and shall immediately communicate to the Governor all violations and infractions of the rules governing such paroled convicts, also any information which may be conveyed to said warden, superintendent, or other person as to the disorderly conduct of such paroled convicts. The Governor shall also be informed of the release of such paroled convicts upon the expiration of their term of imprisonment. Warden to make monthly report to governor of paroled convicts.

SEC. 5. If any paroled convict shall fail to return to the prison enclosure when required by the Governor so to do, or if he makes escape while on parole, he shall be treated in all respects as if he had escaped from the prison enclosure, and the warden, superintendent or other person in charge of any prison of this State, from whence such paroled convict was permitted to go at large, shall be governed by and authorized to retake such escaped convict as provided in section number two thousand one hundred forty of the compiled laws of eighteen hundred ninety-seven, being section number sixty-one of act number one hundred eighteen of the public acts of eighteen hundred ninety-three, which section shall apply to such cases in every particular. Proceedings in case paroled convict escapes, etc.

This act is ordered to take immediate effect.

Approved April 19, 1901.

[No. 74.]

AN ACT to amend section eight of chapter twenty-nine of Howell's annotated statutes, being compiler's section fourteen hundred and nineteen of Howell's annotated statutes, being section four thousand one hundred and seventy-four of the compiled laws of eighteen hundred and ninety-seven, relative to highways, bridges, private roads and ferries, as amended by the several acts amendatory thereof.

The People of the State of Michigan enact:

Section amended.	SECTION 1. That section eight of chapter twenty-nine of Howell's annotated statutes, being compiler's section fourteen hundred and nineteen of Howell's annotated statutes, being section four thousand one hundred and seventy-four of the compiled laws of eighteen hundred and ninety-seven, relative to highways, bridges, private roads and ferries, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:
Overseer to destroy noxious weeds.	SEC. 8. Every overseer shall cause the noxious weeds within the limits of the highways within his district to be cut down and destroyed twice in each year, once before the first day of July and again before the first day of September, and said overseer shall also cause all brush within the limits of the highways within his district to be cut before the first day of November in each year: <i>Provided however</i> , That this shall in no wise apply to young trees which are being set or preserved by abutting property owners for shade or other purposes: <i>And provided further</i> , That such provision shall not apply in counties where the board of supervisors of such county shall by resolution resolve not to come under such provision of this act, and once in every month from the first day of April to the first day of December such overseer shall cause all the loose stones lying on the beaten track of every road within their respective districts to be removed; and the requisite labor shall be considered highway work. No overseer shall cause the road bed of any highway to be plowed up, nor cause any clay, earth or other substance except gravel, crushed stone, iron ore, coal cinders, broken drain tile or sewer pipe to be placed upon the roadbed of any highway later than August first, nor shall the overseer of highways cause any clay, earth or other substances, except gravel, crushed stone, iron ore or coal cinders to be placed upon a gravel or stone road at any time. Any overseer of highways or other person violating the provisions of this section relative to the plowing up of road beds, or the placing of clay, earth or other substance, except gravel, crushed stone, iron ore or coal cinders upon the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine
Proviso as to young trees.	
Proviso as to certain counties.	
Overseer to remove loose stones.	
Exceptions as to time for repairing and material used.	
Violation a misdemeanor.	
Penalty.	

of not less than twenty-five dollars and not exceeding one hundred dollars, or imprisonment in the county jail not less than thirty days or exceeding ninety days, or both such fine and imprisonment at the discretion of the court. Any overseer who shall refuse or neglect to perform the duties required by this section shall be liable to a penalty of twenty-five dollars: *Provided*, That the provisions of this section shall not prohibit or abridge the repairing of roadbeds by highway commissioners at any time when the same may be washed out, nor shall the same in anywise prohibit the improvement or repairing of sand roadbeds at any time by overseers or commissioners of highways in such manner as they shall deem best: *Provided further*, That the provisions of this act shall not prohibit or abridge the construction of new roads or repairing of roadbeds by county road commissioners in such counties as have or shall hereafter adopt the county road system.

Proviso as to
wash-outs
and sand
roadbeds.

Proviso as to
new roads.

Approved April 22, 1901.

[No. 75.]

AN ACT providing for changing the name of the State House of Correction and Reformatory at Ionia.

The People of the State of Michigan enact:

SECTION 1. The name of the State House of Correction and Reformatory at Ionia shall hereafter be "Michigan Reformatory" and all acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Name
changed.

This act is ordered to take immediate effect.

Approved April 22, 1901.

[No. 76.]

AN ACT to amend section two of act two hundred forty-nine of the public acts of eighteen hundred eighty-nine, entitled "An act relating to the admission of insane members of the Michigan Soldiers' Home to the insane (asylums) asylum of this State, and to their support at such asylums," being section nineteen hundred forty-four of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of act two hundred forty-nine of the public acts of eighteen hundred eighty-nine, entitled "An act relating to the admission of insane members of the Michigan Soldiers' Home to the insane (asylums) asylum of this State, and to their support at such asylums," be amended so as to read as follows:

Insane inmate
may be com-
mitted to
asylum.

(1944.) SEC. 2. Whenever any such inmate of the Michigan Soldiers' Home shall be adjudged insane according to law, the probate judge having jurisdiction thereof may commit such insane person to any insane asylum of this State to be there maintained and supported at the expense of the State; and the expenses of the examination and transportation of such insane inmate to such asylum shall be paid by the State.

Approved April 22, 1901.

[No. 77.]

AN ACT making appropriations for the Industrial School for Boys for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation for current expense.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Industrial School for Boys for the fiscal year ending June thirty, nineteen hundred two, the sum of seventy thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of seventy thousand dollars.

For improvements, etc.

SEC. 2. The further sum of thirty-six thousand seven hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the purposes and amounts as follows: For the maintenance of department of technology, one thousand five hundred dollars; for

How used.

painting and papering, five hundred dollars; for sidewalks and fences, five hundred dollars; for library books, two hundred fifty dollars; for buying thirty acres of land adjoining the industrial school farm at a price not to exceed fifty dollars per acre, one thousand five hundred dollars; for new floor in dining hall, seven hundred dollars; for remodeling east wing for the purpose of enlarging the dining hall and kitchen and equipping the same, seven thousand dollars; for building, furnishing and equipping complete one double cottage, twenty-three thousand dollars; to supplement the appropriation made in eighteen hundred ninety-nine for the purpose of wiring the institution for electricity, one thousand dollars; for new oven, three hundred dollars; for the addition of thirty feet to the stand-pipe, five hundred dollars. The further sum of two thousand seven hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred three, for purposes and amounts as follows: For the maintenance of department of technology, one thousand five hundred dollars; for painting and papering, five hundred dollars; for sidewalks and fences, five hundred dollars; for library books, two hundred fifty dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated, excepting that for the purchase of land, be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intention of this proviso being to make the entire thirty-nine thousand five hundred dollars available for the purposes stated herein: *Provided further*, That the board of trustees may obtain money under this section before July first, nineteen hundred one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the amount appropriated when the appropriation becomes available.

Land purchase.

Wiring for electricity.

Further appropriation.

Purposes for which used.

Proviso.

Further proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Industrial School for Boys at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Moneys how paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of one hundred six thousand seven hundred fifty dollars, and for the year nineteen hundred two the sum of seventy-two thousand seven hundred fifty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

To be incorporated in state tax.

This act is ordered to take immediate effect.

Approved April 22, 1901.

[No. 76.]

AN ACT to amend section two of act two hundred forty-nine of the public acts of eighteen hundred eighty-nine, entitled "An act relating to the admission of insane members of the Michigan Soldiers' Home to the insane (asylums) asylum of this State, and to their support at such asylums," being section nineteen hundred forty-four of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of act two hundred forty-nine of the public acts of eighteen hundred eighty-nine, entitled "An act relating to the admission of insane members of the Michigan Soldiers' Home to the insane (asylums) asylum of this State, and to their support at such asylums," be amended so as to read as follows:

Insane inmate
may be com-
mitted to
asylum.

(1944.) SEC. 2. Whenever any such inmate of the Michigan Soldiers' Home shall be adjudged insane according to law, the probate judge having jurisdiction thereof may commit such insane person to any insane asylum of this State to be there maintained and supported at the expense of the State; and the expenses of the examination and transportation of such insane inmate to such asylum shall be paid by the State.

Approved April 22, 1901.

[No. 77.]

AN ACT making appropriations for the Industrial School for Boys for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation for current expense.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Industrial School for Boys for the fiscal year ending June thirty, nineteen hundred two, the sum of seventy thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of seventy thousand dollars.

For improvements, etc.

SEC. 2. The further sum of thirty-six thousand seven hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the purposes and amounts as follows: For the maintenance of department of technology, one thousand five hundred dollars; for

How used.

painting and papering, five hundred dollars; for sidewalks and fences, five hundred dollars; for library books, two hundred fifty dollars; for buying thirty acres of land adjoining the industrial school farm at a price not to exceed fifty dollars per acre, one thousand five hundred dollars; for new floor in dining hall, seven hundred dollars; for remodeling east wing for the purpose of enlarging the dining hall and kitchen and equipping the same, seven thousand dollars; for building, furnishing and equipping complete one double cottage, twenty-three thousand dollars; to supplement the appropriation made in eighteen hundred ninety-nine for the purpose of wiring the institution for electricity, one thousand dollars; for new oven, three hundred dollars; for the addition of thirty feet to the stand-pipe, five hundred dollars. The further sum of two thousand seven hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred three, for purposes and amounts as follows: For the maintenance of department of technology, one thousand five hundred dollars; for painting and papering, five hundred dollars; for sidewalks and fences, five hundred dollars; for library books, two hundred fifty dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated, excepting that for the purchase of land, be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intention of this proviso being to make the entire thirty-nine thousand five hundred dollars available for the purposes stated herein: *Provided further*, That the board of trustees may obtain money under this section before July first, nineteen hundred one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the amount appropriated when the appropriation becomes available.

Land purchase.

Wiring for electricity.

Further appropriation.

Purposes for which used.

Proviso.

Further proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Industrial School for Boys at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Moneys how paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of one hundred six thousand seven hundred fifty dollars, and for the year nineteen hundred two the sum of seventy-two thousand seven hundred fifty dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

To be incorporated in state tax.

This act is ordered to take immediate effect.

Approved April 22, 1901.

[No. 78.]

AN ACT to promote the efficiency of the Pan-American Exposition Commission; to make an appropriation therefor for the fiscal year ending June thirty, nineteen hundred two; to provide for a tax to meet the same, and to make available for immediate use an appropriation made by an act entitled "An act to create a commission and define its duties and powers, and make an appropriation of money for the purpose of making an exhibit of the various manufactures and products of the State of Michigan at the Pan-American Exposition at Buffalo, New York, in the year nineteen hundred one," approved January twenty-fourth, nineteen hundred one.

The People of the State of Michigan enact:

Supplemental
appropriation.

Proviso as
to use.

Further
proviso.

SECTION 1. That there be and is hereby appropriated the sum of three thousand dollars as a supplemental appropriation to the amount appropriated by section seven of an act entitled "An act to create a commission and define its duties and powers, and make an appropriation of money for the purpose of making an exhibit of the various manufactures and products of the State of Michigan at the Pan-American Exposition at Buffalo, New York, in the year nineteen hundred and one," approved January twenty-fourth, nineteen hundred one: *Provided*, That this appropriation may be used for building and furnishing purposes in addition to the ten thousand dollars appropriated therefor by said section seven: *Provided further*, That the Board of Pan-American Exposition Managers for the State of Michigan may obtain money under this act and the act entitled "An act to create a commission and define its duties and powers, and make an appropriation of money for the purpose of making an exhibit of the various manufactures and products of the State of Michigan at the Pan-American Exposition at Buffalo, New York, in the year nineteen hundred and one," approved January twenty-fourth, nineteen hundred one, before July first, nineteen hundred one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriations become available.

How paid.

SEC. 2. The several sums appropriated by the provisions of this act, and by the act amended hereby, shall be paid out of the general fund in the State treasury to the treasurer of the Board of the Pan-American Exposition Managers for the State of Michigan, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

pany. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully completed its road thereon: *Provided*, That any such change shall be approved by said board and a new map showing the new route adopted shall be made, certified, approved and filed as aforesaid: *And provided further*, That two members of said board, of which the Commissioner of Railroads shall be one, shall constitute a quorum for the transaction of business: *And provided further*, That the Secretary of State and Attorney General when serving as members of said board, or board of consolidation, as provided for by this act, shall receive five dollars per day and expenses incurred while actually engaged in such service, to be paid for by the railroad companies interested therein: *And provided further*, That a map shall not be necessary as a basis for condemnation proceedings affecting the property sought to be obtained for railroad purposes, and situated adjacent to the main line of the petitioner's railroad.

Route may be changed before completed.
Proviso.

Further proviso.

Further proviso.

Provided further.

SEC. 18. For the purpose of acquiring such title such company may present a petition to any court of record for such county, praying for the appointment of three commissioners. Said petition shall be in the name of the company, shall be signed by one of the directors, or the engineer or the attorney of said company on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property or franchises, or so much thereof as the company seeks to acquire under such petition in said county; and that said company is duly incorporated; that it has a railroad, railroad bridge or railroad tunnel constructed, specifying the points from and to which the same is in operation, or that it is the intention of said company, in good faith, to construct, finish and maintain a railroad, railroad bridge or railroad tunnel from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed as required by this act to organize such company; that the property described in the petition is required for the purpose of constructing, operating or repairing the railroad or its appurtenances, or the railroad bridge or tunnel or its appurtenances, as the case may be; and that the taking thereof is necessary for the public use, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, or have, or claim to own or have, estates or interests in said lands or property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances or otherwise as will be sufficient

May present petition to acquire title.

To be in company name.

What to show.

To show names, etc., of owners of property to be acquired.

Copy of
petition, upon
whom served.

to show who have or claim to have interests in said lands, real estate or property, and such other matters as the company may see fit to make. A copy of such petition, with a notice of the time and place when and where the same will be presented to such court, must be served on all persons whose interest will be affected by the proceeding, at least ten days prior to the presentation of the same to the court, as follows, viz.:

How served,
etc.

First. If the person upon whom service is to be made resides in this State, and is not an infant under the age of fourteen years, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent or attorney authorized to contract for the sale of real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person or agent, with some person of suitable age; and if he resides out of this State, but has such agent as aforesaid residing in this State, then such service may be made on such agent in the manner aforesaid, or upon him personally out of or within this State; or it may be by publishing a notice stating briefly the object of the application, and giving a description of the land, interest therein, or property to be taken, and in some paper published in the county in which the said lands or property are situated, if there be one, and if not, then in some weekly paper published in the city of Detroit once in each week for six successive weeks next previous to the presentation of the petition; and if the residence of such person or persons residing out of this State be known, a copy of such petition and notice shall be deposited in the postoffice at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, postage prepaid;

In case person
is minor, idiot,
etc.

Second. If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot or person of unsound mind, and resides in this State, such service shall be made as aforesaid on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides;

In case person
is unknown.

Third. If the person on whom such service is to be made be unknown, or his residence unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision of this section, and the court or judge shall appoint an attorney to appear for and protect the rights of any such person;

In case minor,
idiot, etc., has
no guardian.

Fourth. In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind and has no guardian, the said court, or the judge of said court, shall appoint a special guardian or committee to appear for and attend to the interests of such infant, idiot or person of unsound mind, and all notices to be served in the progress of the proceedings may be served on such special guardian;

Fifth. In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act may be made as the said court or judge may direct. Other cases as judge may direct.

SEC. 19. Whenever the line or road of any company organized under this act shall be in the possession or use of any other railroad company, under any lease, contract, or agreement, for the building or operating the same, under the laws of this State, it shall be competent for the latter company, with the assent and in the name of the former company, to institute and prosecute proceedings for acquiring title to any land or property for the purposes and under the conditions mentioned in preceding sections. In such case the petition may be signed and verified by a director, engineer or attorney of either company. Whenever any company organized under this act shall be in use or possession of any railroad acquired from another company, by purchase or consolidation, it shall be competent for the company so in possession and use to institute and prosecute condemnation proceedings in its own name, to acquire land or property for railroad purposes, in connection with the railroad so acquired. In such case the petition and proceedings shall, so far as practicable, comply with the general provisions of the statute regulating condemnation proceedings. In case road under lease, etc. Petition, by whom signed.

This act is ordered to take immediate effect.

Approved April 22, 1901.

[No. 81.]

AN ACT to amend section one of act number ninety of public acts of eighteen hundred ninety-five, entitled "An act to provide for the maintenance of discipline and for the better government of the Michigan Soldiers' Home and Home for the soldiers, sailors and marines who served in the late civil war, their wives and mothers."

The People of the State of Michigan enact:

SECTION 1. That section one of act number ninety of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the maintenance of discipline and for the better government of the Michigan Soldiers' Home and Home for the soldiers, sailors and marines who served in the late civil war, their wives and mothers," be amended so as to read as follows: Section amended.

SECTION 1. The officers of the Michigan Soldiers' Home and Home for the soldiers, sailors and marines who served in the late civil war, in the Spanish-American war and in the Officers and rank.

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Philippines, their wives and mothers, shall consist of a commandant, with the military rank of colonel; an adjutant, with the military rank of major; a surgeon, with the military rank of major; a quartermaster, with the military rank of captain; a chaplain with the military rank of captain; and such non-commissioned officers as the commandant may from time to time appoint.

This act is ordered to take immediate effect.

Approved April 23, 1901.

[No. 82.]

AN ACT to provide for renewing the incorporation of companies organized for the purpose of the introduction of water into towns, cities and villages.

The People of the State of Michigan enact:

May continue
corporate
existence.

Vote
necessary.

Duty of cer-
tain officers.

Articles,
where filed.

When new
term to begin.

SECTION 1. It shall be lawful for any corporation heretofore or hereafter organized under the laws of this State for the purpose of the introduction of water into towns, cities and villages, whose corporate existence is about to terminate by limitation of law, at its annual meeting next preceding, or at a special meeting called for that purpose, to be held within one year immediately preceding the date of such termination, by a vote of two-thirds of its capital stock, to direct the continuance of its corporate existence for such further term, not exceeding thirty years, as may be expressed in a resolution passed for that purpose. Upon the adoption of such resolution by the stockholders, at such meeting, it shall be the duty of the president and secretary of the corporation to make, sign and acknowledge duplicate articles of association, as in case of a new corporation, to which shall be appended a copy of the proceedings of such stockholders' meeting, certified by the secretary and verified by his oath, which articles of association shall be filed with the Secretary of State and with the county clerk of the county where the corporation carries on its business, and be by them recorded in their respective offices at the expense of said corporation, and the copies so filed, the record thereof, or a certified copy of either of such records, shall be prima facie evidence of the facts therein recited.

SEC. 2. The renewed term of such corporation shall begin from the expiration of the former term thereof, and the corporation thus renewed shall hold and own all the property held and owned by the corporation before renewal, and shall be liable to all its debts, liabilities and obligations, and en-

titled to all its rights, privileges and franchises, as fully as if the former corporate term had not expired; and the directors and officers, who were such in fact at the time of the meeting, shall hold and continue in their offices until their successors shall be elected and shall qualify: *Provided, nevertheless,* That if the call for the meeting to extend the corporate term shall embrace a notice that a number of the directors will be elected at such meeting, such election may be then held accordingly, and the directors then elected shall, when they shall qualify, become and be the directors of such renewed corporation. *Provided further,* That nothing herein contained shall be construed as extending any franchise granted by any municipality for a period of years longer than the original grant.

Officers to hold over.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved April 23, 1901.

[No. 83.]

AN ACT to amend sections one, two, three and six, and to repeal section seven, of act number ninety-five of the general laws of eighteen hundred eighty-five, entitled "An act to provide for the compulsory education of children, for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same," being sections four thousand eight hundred forty-seven, four thousand eight hundred forty-eight, four thousand eight hundred forty-nine, four thousand eight hundred fifty-two and four thousand eight hundred fifty-three of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Section one, section two, section three and section six of act ninety-five of the general laws of eighteen hundred and ninety-five, entitled "An act to provide for the compulsory education of children, for the punishment of truancy and to repeal all acts or parts of acts conflicting with the provisions of the same," being sections four thousand eight hundred forty-seven, four thousand eight hundred forty-eight, four thousand eight hundred forty-nine and four thousand eight hundred fifty-two of the compiled laws of Michigan of the year eighteen hundred ninety-seven, be amended so as to read as follows:

Sections amended.

SECTION 1. That every parent, guardian or other person in the State of Michigan having control and charge of any child or children between the ages of eight and fifteen years, and in cities between the ages of seven and fifteen years, shall be

Duties of parent or guardian.

required to send such child or children to the public school for a period of at least four months in each school year, except that in cities having a duly constituted police force the attendance at school shall not be limited to four months, beginning on the first Monday of the first term in his or her district after September first of each year. And such attendance, in cities, shall be consecutive, until each and every pupil between the ages of seven and fifteen years shall have attended school the entire school year previous to the thirtieth day of June in each school year: *Provided*, If it be shown that any such child or children are being taught in a private school in such branches as are usually taught in the public schools, or have already acquired the ordinary branches of learning taught in public schools, or if the person or persons in parental relation to such child or children present a written statement that such child or children is or are physically unable to attend school, the truant officer or district board may employ a reputable physician to examine such child or children, and if such physician shall certify that such child or children is or are physically unable to attend school, such child or children shall be exempt from the provisions of this act: *Provided further*, That the school boards in cities may, on the recommendation of the superintendent of schools and of the truant officer, exempt children over fourteen years of age from attendance at school for either a part or for the whole of the time until they shall severally reach the age of fifteen years, for any reason that said boards may deem sufficient: *And further provided*, That in case a public school shall not be taught for four months during the time herein specified, within two miles by the nearest traveled road of the residence of any such child or children (under nine years of age), shall not be liable to the provisions of this act.

Proviso.

Further proviso.

Further proviso.

Board to appoint truant officer.

Who to act in certain districts.

SEC. 2. The district board or board of education in each school district in this State which shall have been organized as a graded school district or as a township district according to the laws of this State (or the school house of which shall be within the corporate limits of any incorporated village), shall, previous to the tenth day of September of each year, appoint a truant officer for the current school year (and until his successor shall be appointed and qualified, and shall fill any vacancy in such office that shall occur during the year); and the district board of any school district having a school population of fifty or more, according to the last school census, may, in its discretion, appoint such truant officer. In school districts organized under the primary school law, and having no truant officer appointed by the district board, the chairman of the township board of school inspectors shall be the truant officer, and shall perform all the duties of truant officer, as provided for in this act, so far as the provisions of this law apply to the territory over which he has

jurisdiction: *Provided*, That in cities having a duly organized police force, it shall be the duty of the police authorities, at the request of the school authorities, to detail one or more members of such police force to perform the duties of truant officer, providing that nothing herein shall be construed as prohibiting a city board of education from appointing any citizen not a police officer as truant officer. The compensation of the truant officer, in graded school districts (school districts, the school house of which is within the corporate limits of any incorporated village and in school districts exercising such discretionary appointing power, shall be fixed by the board which appoints), and in townships such compensation shall be fixed by the township board, but in no case shall such compensation be less than one dollar and fifty cents per day for time actually employed under the direction of the school board in the performance of the official duties of such truant officer. Such compensation shall be allowed and paid to such truant officers in the same manner that other incidental expenses are allowed and paid by such board.

Proviso.

Compensation.

How paid.

SEC. 3. It shall be the duty of the school director at the commencement of each term of school to provide the teacher with a copy of the last census. At the expiration of each month of school the teacher shall examine the said census list and report to the proper truant officer the names of such children upon the census list as have not, during the preceding month, attended school according to the provisions of this act. It shall be the duty of the truant officer (whenever notified by teacher or other persons of violations of this act), to investigate all cases of truancy or non-attendance at school and render all service within his power to compel children to attend school, and when informed of continued non-attendance by any teacher or resident of the school district he shall immediately notify the persons having control of such children that on the following Monday such children shall present themselves with the necessary text-books for instruction in the proper school or schools of the district. The notice shall inform said parent or guardian that attendance at school must be consecutive at least eight half days of each week until the end of that term, except in cities having a duly constituted police force, attendance in school shall be continuous. In case any parent, guardian or other person shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and shall, on conviction, be liable to a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county or city jail for not less than two or more than ninety days, or both such fine and imprisonment in the discretion of the court.

Teachers to be supplied with census. To make report.

Duty of truant officer.

Penalty for failure to comply with provisions of act.

SEC. 6. It shall be the duty of the truant officer, in case of a violation of this law, within one week after he shall have had knowledge, or shall have received notice from a teacher,

Truant officer to make complaint.

[No. 85.]

AN ACT to amend act number one hundred eighty-five of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the employment of women physicians in certain institutions of this State."

The People of the State of Michigan enact:

Act amended. SECTION 1. That act number one hundred eighty-five of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the employment of women physicians in certain institutions of this State," be and the same is hereby amended to read as follows:

Resident woman physician to be employed in certain institutions. SECTION 1. In the following named institutions of this State at least one resident woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render such women or girls who are inmates such medical treatment as shall from time to time be necessary. The institutions which shall be included in the provisions of this section are the following, viz.: The Asylum for the Insane at Kalamazoo, the Asylum for the Insane at Traverse City, the Asylum for the Insane at Pontiac, the Asylum for the Insane at Newberry, the Home for the Feeble Minded and Epileptic at Lapeer, and all institutions of like nature which may hereafter be established.

Institutions to employ woman physicians. SEC. 2. In the following named institutions of this State a woman physician shall be employed, who, under the direction of the superintendent of such institution, shall render to such women and girls who are inmates such medical treatment and services as may from time to time be necessary. The institutions which shall be included in the provisions of this section are the following, viz.: The Industrial Home for Girls at Adrian, the School for the Deaf at Flint, the School for the Blind at Lansing, and all institutions of like nature which may hereafter be created.

This act is ordered to take immediate effect.

Approved April 25, 1901.

[No. 86.]

AN ACT making appropriations for the purchase of books and equipments for the Michigan State Library and the Michigan traveling libraries for the fiscal years ending June thirtieth, nineteen hundred two, and June thirtieth, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the purchase of books and such other material as is appropriate to be added to the State Library during the fiscal year ending June thirtieth, nineteen hundred two, the sum of seven thousand dollars, and during the fiscal year ending June thirtieth, nineteen hundred three, the sum of seven thousand dollars. Appropriation
for state
library.

SEC. 2. There is hereby appropriated for the purchase of books and equipments for the Michigan traveling libraries for the fiscal year ending June thirtieth, nineteen hundred two, the sum of five thousand dollars, and for the fiscal year ending June thirtieth, nineteen hundred three, the sum of five thousand dollars. Said money shall be expended with the advice and consent of the Governor. For traveling
libraries.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the State Librarian at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of twelve thousand dollars and for the year nineteen hundred two the sum of twelve thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated. To be
incorporated
in state tax.

This act is ordered to take immediate effect.

Approved April 25, 1901.

[No. 87.]

AN ACT making appropriations for the Michigan State Agricultural Society for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That there be and is hereby appropriated for the use of the Michigan State Agricultural Society for the fiscal year ending June thirty, nineteen hundred two, the sum of forty-five hundred dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of forty-five hundred dollars.

How to be used.

SEC. 2. The amounts appropriated by section one of this act are to be used by said society for the payment of premiums to be awarded at the annual fair of nineteen hundred one and the annual fair of nineteen hundred two on agricultural, horticultural, manufactured and domestic products grown or produced in the State of Michigan, said premiums to be awarded under the direction of the executive committee of said society: *Provided*, That said society shall award and pay the further sum of four thousand five hundred dollars in premiums at each of the annual fairs in the years above mentioned: *Provided further*, That forty-five hundred dollars in premiums to be paid by the Michigan State Agricultural Society shall be exclusive of any premiums paid by said society for speed purposes.

Proviso.

Further proviso.

How paid.

SEC. 3. The forty-five hundred dollars appropriated by this act for the fiscal year ending June thirty, nineteen hundred two, shall be paid out of the general fund in the State treasury to the treasurer of the Michigan State Agricultural Society on presentation of a requisition signed by a majority of the executive committee of said society, accompanied by a certificate signed by the president and secretary of said society that the amount of forty-five hundred dollars has been awarded and paid in premiums upon exhibits at the annual fair in nineteen hundred one, exclusive of any premiums paid by said society for speed purposes: *Provided*, That within thirty days after the payment of the said forty-five hundred dollars by the State, the executive committee shall file vouchers with the Auditor General showing the amount of premiums paid on account of said fair in the year nineteen hundred one: *Provided further*, That in case the said premiums, exclusive of those paid by said society for speed purposes, shall amount to less than nine thousand dollars, as shown by the vouchers thus filed with the Auditor General, the treasurer of said society shall accompany the vouchers with a draft in such an amount as added to the total payments represented by the vouchers will equal nine thousand dollars:

Proviso.

Further proviso.

Provided further, That the forty-five hundred dollars appropriated for the fiscal year ending June thirty, nineteen hundred three shall be subject to the same requirements as provided for the appropriation for the fiscal year ending June thirty, nineteen hundred two. No portion of the appropriation for the fiscal year ending June thirty, nineteen hundred three, shall be paid to the treasurer of said Michigan State Agricultural Society unless the provisions applicable to the appropriation for the fiscal year ending June thirty, nineteen hundred two, shall have been complied with.

Further proviso.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of forty-five hundred dollars, and for the year nineteen hundred two the sum of forty-five hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

To be incorporated in State tax.

Approved April 25, 1901.

[No. 88.]

AN ACT to provide for the improvement of the Mackinac Island State park, and to reimburse the general fund of the State for moneys expended for that purpose.

The People of the State of Michigan enact:

SECTION 1. That the State Treasurer is hereby authorized and directed to place to the credit of the Mackinac Island State park fund the sum of ten thousand dollars out of any moneys in the State treasury, and standing to the credit of the general fund of the State, not otherwise appropriated, which sum, or such portion thereof as may be deemed necessary, shall be expended in and applied solely to the improvement of the Mackinac Island State park in the laying out of roads and walks, as the board of commissioners, created pursuant to act number two hundred twenty-two of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the appointment of a board of commissioners, who shall have the management and control of the Mackinac Island State park, and defining its powers and duties," shall deem advisable.

Amount provided for use of.

How expended.

SEC. 2. The amount so credited to the Mackinac Island State park fund shall be drawn therefrom upon the warrants of the Auditor General, which warrants payable to the duly authorized treasurer of said board of commissioners, shall be issued upon proper requisitions of the said board of com-

How drawn.

- Proviso.** commissioners: *Provided however*, That before the Auditor General shall issue his warrants as aforesaid, the duly authorized treasurer of said board of commissioners, shall be required to execute a bond with two good and sufficient sureties, or the bond of a surety company, to be approved by the Governor, in the sum of ten thousand dollars, conditioned for the faithful and proper application of the funds coming into his hands in pursuance of the provisions of this act.
- Board of commissioners to make annual payments.** SEC. 3. It shall be the duty of said board of commissioners of the Mackinac Island State park on or before the thirtieth day of June, nineteen hundred and two, and on or before the thirtieth day of June of each year thereafter, to pay to the State Treasurer, out of moneys received by the board of commissioners of said Mackinac Island State park in the nature of rents or incomes derived therefrom the sum of one thousand dollars, together with interest thereon at the rate of three per centum per annum, and also interest at the rate of three per centum per annum upon all portions of the said sum of ten thousand dollars remaining unpaid, until the full sum of ten thousand dollars together with interest thereon at the rate of three per centum per annum, has been fully paid, which sums when so paid to the State Treasurer as aforesaid, shall be credited to the general fund of the State to reimburse it for the sum so placed to the credit of the Mackinac Island State park fund.
- Interest.**
- Acts repealed.** SEC. 4. All acts or parts of acts in so far only as they contravene or are inconsistent with the provisions of this act, are hereby repealed.
- This act is ordered to take immediate effect.
Approved April 25, 1901.

[No. 89.]

AN ACT to provide for the incorporation of trustees to take, hold, invest, sell and otherwise manage and control property of religious denominations, subject to the regulations of representative bodies of such denominations.

The People of the State of Michigan enact:

- Trustees, how elected.** SECTION 1. That whenever a presbytery, synod, conference, diocesan convention, or other representative body of any religious denomination in this State, may desire to create a corporate board of trustees for any endowment fund or other property of the denomination represented by such body, it shall and may be lawful for such presbytery, synod, conference, diocesan convention or other representative body, at

any regular meeting thereof, to elect not less than three nor more than nine members of such denomination residing in the State of Michigan, within the bounds of such presbytery, synod, conference, diocesan convention or other representative body, to serve as such trustees, and to cause to be made and filed in the office of the Secretary of State of this State a statement in writing, signed by the presiding officer and the secretary or clerk of such body at such meeting, and acknowledged by them before some officer competent to take the acknowledgment of deeds, in which statement shall be set forth the number of trustees which shall constitute such board; the names of those elected as such trustees; the corporate name by which the said trustees shall be known in law; the purpose for which such trustees are elected and the contemplated duration of such corporate body, which shall not in any case exceed thirty years. Thereafter such trustees and their successors in office shall be a body corporate and politic for the purposes in such statement specified, and a copy of such statement, duly certified by the Secretary of State, shall be evidence of the existence of such corporation.

Statement to be made and where filed.

What to contain.

Body politic, etc.

SEC. 2. Trustees elected under the provisions of this act and their successors shall respectively hold their offices for three years from and after the date of their election, or until their successors are duly elected. Elections of trustees to fill the places of those whose terms of office expire shall take place at the last regular meeting of such presbytery, synod, conference, diocesan convention or other representative body occurring prior to the expiration of the term of their predecessors.

Term of office of trustees.

Elections, when held.

SEC. 3. Vacancies in any board of trustees constituted under the provisions of this act, caused by death, resignation, removal, declination to serve, or otherwise, may be filled by the appointing body at any regular meeting thereof, or at any special meeting called for that purpose, or for that and other purposes, pursuant to the rules of such body.

Vacancies how filled.

SEC. 4. Such trustees may, in their corporate name, sue and be sued, and may take and hold in their corporate name all property, real and personal, devised, bequeathed, transferred or conveyed to them for the use and benefit of the religious denomination by whose representative body they are appointed. In the management and disposition of such property they shall be governed by the terms of the will, deed or other instrument by which such property shall be given to them, and subject to such terms, by the directions of the body by whom they were elected.

Power of trustees, etc.

How governed.

SEC. 5. Subject to the limitations prescribed by the preceding section, the said trustees may, in their corporate name, invest and re-invest the property in their hands and under their control as such trustees, collect the rents, issues and profits thereof, and out of the same pay the taxes, repairs,

May invest money, etc.

Proviso. commissioners: *Provided however*, That before the Auditor General shall issue his warrants as aforesaid, the duly authorized treasurer of said board of commissioners, shall be required to execute a bond with two good and sufficient sureties, or the bond of a surety company, to be approved by the Governor, in the sum of ten thousand dollars, conditioned for the faithful and proper application of the funds coming into his hands in pursuance of the provisions of this act.

Board of commissioners to make annual payments. SEC. 3. It shall be the duty of said board of commissioners of the Mackinac Island State park on or before the thirtieth day of June, nineteen hundred and two, and on or before the thirtieth day of June of each year thereafter, to pay to the State Treasurer, out of moneys received by the board of commissioners of said Mackinac Island State park in the nature of rents or incomes derived therefrom the sum of one thousand dollars, together with interest thereon at the rate of three per centum per annum, and also interest at the rate of three per centum per annum upon all portions of the said sum of ten thousand dollars remaining unpaid, until the full sum of ten thousand dollars together with interest thereon at the rate of three per centum per annum, has been fully paid, which sums when so paid to the State Treasurer as aforesaid, shall be credited to the general fund of the State to reimburse it for the sum so placed to the credit of the Mackinac Island State park fund.

Interest. **Acts repealed.** SEC. 4. All acts or parts of acts in so far only as they contravene or are inconsistent with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved April 25, 1901.

[No. 89.]

AN ACT to provide for the incorporation of trustees to take, hold, invest, sell and otherwise manage and control property of religious denominations, subject to the regulations of representative bodies of such denominations.

The People of the State of Michigan enact:

Trustees, how elected. SECTION 1. That whenever a presbytery, synod, conference, diocesan convention, or other representative body of any religious denomination in this State, may desire to create a corporate board of trustees for any endowment fund or other property of the denomination represented by such body, it shall and may be lawful for such presbytery, synod, conference, diocesan convention or other representative body, at

any regular meeting thereof, to elect not less than three nor more than nine members of such denomination residing in the State of Michigan, within the bounds of such presbytery, synod, conference, diocesan convention or other representative body, to serve as such trustees, and to cause to be made and filed in the office of the Secretary of State of this State a statement in writing, signed by the presiding officer and the secretary or clerk of such body at such meeting, and acknowledged by them before some officer competent to take the acknowledgment of deeds, in which statement shall be set forth the number of trustees which shall constitute such board; the names of those elected as such trustees; the corporate name by which the said trustees shall be known in law; the purpose for which such trustees are elected and the contemplated duration of such corporate body, which shall not in any case exceed thirty years. Thereafter such trustees and their successors in office shall be a body corporate and politic for the purposes in such statement specified, and a copy of such statement, duly certified by the Secretary of State, shall be evidence of the existence of such corporation.

Statement to be made and where filed.

What to contain.

Body politic, etc.

SEC. 2. Trustees elected under the provisions of this act and their successors shall respectively hold their offices for three years from and after the date of their election, or until their successors are duly elected. Elections of trustees to fill the places of those whose terms of office expire shall take place at the last regular meeting of such presbytery, synod, conference, diocesan convention or other representative body occurring prior to the expiration of the term of their predecessors.

Term of office of trustees.

Elections, when held.

SEC. 3. Vacancies in any board of trustees constituted under the provisions of this act, caused by death, resignation, removal, declination to serve, or otherwise, may be filled by the appointing body at any regular meeting thereof, or at any special meeting called for that purpose, or for that and other purposes, pursuant to the rules of such body.

Vacancies how filled.

SEC. 4. Such trustees may, in their corporate name, sue and be sued, and may take and hold in their corporate name all property, real and personal, devised, bequeathed, transferred or conveyed to them for the use and benefit of the religious denomination by whose representative body they are appointed. In the management and disposition of such property they shall be governed by the terms of the will, deed or other instrument by which such property shall be given to them, and subject to such terms, by the directions of the body by whom they were elected.

Power of trustees, etc.

How governed.

SEC. 5. Subject to the limitations prescribed by the preceding section, the said trustees may, in their corporate name, invest and re-invest the property in their hands and under their control as such trustees, collect the rents, issues and profits thereof, and out of the same pay the taxes, repairs,

May invest money, etc.

insurance and other expenses incident to the care thereof: *Provided however*, That the said trustees shall neither sell, convey, mortgage nor lease for a longer period than three years, any real estate held by them as such trustees, unless duly authorized to do so by the presbytery, synod, conference, diocesan convention, or other representative body which appointed them. And in every case of sale, conveyance or incumbrance of real estate, said trustees shall cause to be filed in the office of the register of deeds in the county in which such real estate is situated, a copy of the acts of said presbytery, synod, conference, diocesan convention, or other representative body authorizing such sale, conveyance or incumbrance, duly certified by the secretary of said representative body to be a true copy of said proceedings and the whole thereof; and said certified copy of said proceedings, with the said certificate and a certified copy of the certificate mentioned in section one of this act, may be recorded in the office of the register of deeds of the county where said real estate is situated, and when so recorded the said records or certified copies thereof, made by the said register of deeds, shall be received as prima facie evidence of all the facts and acts of such representative body as appears in said record, in all courts in this State.

This act is ordered to take immediate effect.

Approved April 25, 1901.

[No. 90.]

AN ACT making appropriations for the Michigan Home for Feeble Minded and Epileptic for the fiscal year ending June thirty, nineteen hundred two, for the purchase of boilers and necessary appurtenances in connection therewith and to provide for a tax to meet the same; also to authorize the board of control to use the one thousand four hundred dollars received from the sale of three second hand boilers to supplement this appropriation.

The People of the State of Michigan enact:

SECTION 1. That the sum of five thousand three hundred dollars be and the same is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for purposes and amounts as follows: Two one hundred fifty horse-power boilers, one thousand six hundred dollars; two stokers, one thousand five hundred dollars; one live steam feed-water purifier, seven hundred dollars; setting and connection including brick work, one thousand five hundred dollars: *Pro-*

vided, That one thousand four hundred dollars of this appropriation shall be met by money now in the hands of the treasurer of the home received from the sale of second hand boilers, one thousand one hundred dollars of which is now credited upon the accounts of the Michigan Home for Feeble Minded and Epileptic, under the title "New boiler, fixtures and enlarge boiler room," and three hundred dollars under the title "Special building:" *Provided further*, That the board of control may obtain money under this section before July first, nineteen hundred one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts, thus advanced, shall be deducted from the total amount appropriated when the appropriation becomes available: *Provided further*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire five thousand three hundred dollars available for the purposes stated herein.

Further
proviso.

Further
proviso.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan Home for Feeble Minded and Epileptic at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

How paid.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of three thousand nine hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

To be in-
corporated in
State tax.

This act shall take immediate effect.

Approved April 25, 1901.

[No. 91.]

AN ACT to amend chapter nine of an act, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relating thereto," being act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven, approved June second, eighteen hundred ninety-seven, and amended by act number two hundred seventy-two of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine, by adding thereto a new section to stand as section fourteen of said chapter, so that the provisions of this act shall apply to Saginaw county.

The People of the State of Michigan enact:

Chapter
amended.

SECTION 1. That chapter nine of an act, entitled "An act to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor, and to repeal all other laws relating thereto," being act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven, approved June second, eighteen hundred ninety-seven, and amended by act number two hundred seventy-two of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine, be and is hereby amended by adding thereto a new section to stand as section fourteen and read as follows:

Board of
supervisors
to have cer-
tain powers.

SEC. 14. The board of supervisors of Saginaw county at any session thereof, may from time to time by resolution, fix and determine such further conditions than those herein set forth to be complied with before all or any contract shall be made or entered into, for the construction, improvement, or clearing out of any drain as hereinbefore provided, as to such board shall seem necessary and proper to protect all persons and townships that may be affected by the proceedings, and no contract or expenditure shall be made or entered into by the drain commissioner or his deputy without first complying with such conditions. Such board may also in like manner fix and determine the number and kinds of employees the drain commissioner may employ and fix their compensation, and it may require that said commissioner in each year shall report to the board at its October session, a full and detailed statement and account under oath of the time actually spent by him during the year in the discharge of his duty and for what purpose, the names of all employees and the time actually spent by each and for what purpose their labor was performed, and the amount paid or agreed to be paid each and also all other expenditures and the names of all persons to whom moneys have been paid and

To fix number
of employes
drain com-
missioner
may employ.
May require
commissioner
to make
report.

the amount paid each, and the purpose for which said expenditure was made. The board may allow or disallow any item in whole or in part, any item charged in such report and account, and only so much thereof shall be paid as shall be thus allowed, and no more than one-half of the several items in such report and account shall be paid, or orders drawn therefor, under the provisions of section six, chapter nine of this act, until such accounts have been thus allowed by the board of supervisors as in this section provided. Such board of supervisors of Saginaw county may, by a majority vote of all the members elect, remove any such drain commissioner or his deputy or both, of Saginaw county, and appoint another in his or their place and stead.

May allow or disallow certain claims.

May remove commissioner.

This act is ordered to take immediate effect.

Approved April 25, 1901.

[No. 92.]

AN ACT to amend compiler's section six hundred seventy of the compiled laws of eighteen hundred ninety-seven, relative to the giving of bonds on appeal from the orders and decrees of the probate court.

The People of the State of Michigan enact:

SECTION 1. That compiler's section six hundred seventy of the compiled laws of eighteen hundred ninety-seven, relative to the giving of bonds on appeal from the orders and decrees of the probate court, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 670. The party appealing shall, at the time of filing notice thereof, file with the judge of probate a bond to the adverse party, in such penalty and with such surety or sureties as the judge of probate shall approve, conditioned for the diligent prosecution of such appeal and the payment of all such damages and costs as shall be awarded against him, in case he shall fail to obtain a reversal of the decision so appealed from. And in case any person appeals from the allowance and findings of the court upon the examination of his account as executor, administrator, guardian or trustee, the court may, in its discretion, fix the penalty of the bond in such sum as will cover the amount found due by the probate court upon examination of such account, in which case the bond and sureties thereon shall be liable to the amount of such bond for the amount found due by the probate court or the appellate court upon the final determination of such appeal, including the costs and damages awarded by such appellate court.

Party appealing to file bond.

Liability of.

Approved April 30, 1901.

[No. 93.]

AN ACT to amend section four of act number one hundred and thirty, public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment of guardians of the persons of habitual drunkards and of persons so addicted to the excessive use of intoxicating liquors or narcotics or noxious drugs as to need medical or sanitary treatment or care, and for restraining them in a suitable asylum or hospital," being compiler's section eight thousand seven hundred forty-two of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred thirty, public acts of eighteen hundred ninety-seven, entitled "An act to provide for the appointment of guardians of the persons of habitual drunkards and of persons so addicted to the excessive use of intoxicating liquors or narcotic or noxious drugs as to need medical or sanitary treatment or care, and for restraining them in a suitable asylum or hospital," be and the same is hereby amended so as to read as follows:

Powers and duties of guardian.

SEC. 4. Every guardian so appointed shall have the care and custody of the person of his ward, and upon the order of the judge of probate may cause him or her to be taken to and restrained in a suitable asylum or hospital for medical or sanitary treatment or care, and in case of the commitment of any such person to any institution to which indigent insane persons are sent by probate courts of the State, such persons shall be received and cared for on the same terms and conditions as to care and maintenance that are provided by law in the case of other indigent inmates of such institutions; and in making any order in the premises, the judges of probate shall inquire into the financial ability of the person or of his or her relatives, and shall make his order according as the facts of the case may appear.

Judge to make certain inquiries.

Approved April 30, 1901.

[No. 94.]

AN ACT to amend section nine of act number two hundred twenty-nine of the public acts of Michigan for the year eighteen hundred eighty-seven, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cord wood, pulp wood, hop poles, hoop poles, veneering wood, and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber as amended by act number two hundred fifty-three of the public acts of eighteen hundred seventy-nine,"'" being section ten thousand seven hundred sixty-four of the compiled laws of the State of Michigan for the year eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section nine of act number two hundred twenty-nine of the public acts of Michigan for the year eighteen hundred eighty-seven, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle bolts, stave bolts, staves, cord wood, pulp wood, hop poles, hoop poles, veneering wood and all other forest products, and to repeal act number one hundred forty-five of the session laws of eighteen hundred eighty-one, entitled 'An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle bolts and staves, and to repeal act number one hundred eighty-five of the session laws of eighteen hundred seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber as amended by act number two hundred fifty-three of public acts of eighteen hundred seventy-nine,"'" being section ten thousand seven hundred sixty-four of the compiled laws of the State of Michigan for the year eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 9. Justices of the peace within their respective counties shall have cognizance and jurisdiction of all persons found within their respective counties regardless of their place of residence and their jurisdiction shall not be limited by the provisions of section seven hundred seven of the compiled laws of eighteen hundred ninety-seven of the State of

Section
amended.

Jurisdiction
of justices.

Further
jurisdiction.

Michigan; and shall have jurisdiction of all cases arising under this act when the amount claimed over and above all legal set-offs does not exceed three hundred dollars and any person and persons having such lien shall be entitled to proceed by attachment in justice courts against the property on which he, she or they may have such lien for the enforcement of the same and the writ of attachment issued by any justice of the peace may be in the following form:

STATE OF MICHIGAN, }
County of..... } ss.

Form of
attachment.

To any constable in said county, greeting: In the name of the people of the State of Michigan you are commanded to attach the following goods and chattels (here insert a description of the property described in the required affidavit), or so much thereof as shall be sufficient to satisfy the sum of.....with interest, costs, disbursements, charges and expenses of suit in whosoever possession the same may be found and so provide that the same so attached may be subject to further proceedings as the law requires; and also summon....., if he be found in this State, to be and appear before me at my office in said....., on theday of....., 190., at.....o'clock in the.....noon, to answer to.....to his damages of three hundred dollars or under and in case the above named defendant is not the owner of the said described logs, timber, posts, ties, poles, bolts, bark or staves you are then also commanded to serve or cause to be served a copy of this writ on or before the return day above mentioned upon the owners of said products or his proper agent or attorney if such owner, agent or attorney be known to you and residing in this State.

Given under my hand at the.....of.....county aforesaid, the.....day of....., 190..

.....,
Justice of the Peace.

Approved April 30, 1901.

[No. 95.]

AN ACT to authorize and direct the Commissioner of the State Land Office to cause an examination of the unsold primary school, swamp, salt spring, normal school, asylum and State building lands belonging to the State, and to fix the minimum price for which such lands shall hereafter be sold.

The People of the State of Michigan enact:

SECTION 1. That the Commissioner of the State Land Office shall withdraw from sale all unsold primary school, swamp, salt spring, normal school, asylum and State building lands belonging to the State of Michigan, and shall cause the same to be examined for the purpose of ascertaining the character, condition and value of such lands; and their marketable value, and the fixing of a minimum price for which such lands shall be sold, as based upon the reports of such examination.

Land commissioner to examine certain lands.

To fix minimum price.

SEC. 2. The said Commissioner of the State Land Office shall appoint one or more suitable persons, whose duties shall be to make a personal examination of any such primary school, swamp, salt spring, normal school, asylum and State building lands as he may be directed to so examine, and shall report to the said Commissioner of the State Land Office the character of the soil, the kind and quantity of timber growing upon such lands, their location as to proximity to railroads, and shall also report his or their estimate of the marketable value of such lands. The Commissioner of the State Land Office shall, upon the information contained in the reports of such examination, fix a minimum price for which each tract shall be sold, and shall from time to time restore such lands to market in the manner now provided by law.

To appoint examiners.

To report to commissioner.

When to fix minimum price.

SEC. 3. The services and expenses of the agents appointed to make the examination provided for in section two of this act shall be paid for out of any moneys belonging to the general fund, upon bills rendered to the Commissioner of the State Land Office, approved by him and audited by the Board of State Auditors, on a warrant issued by the Auditor General to the State Treasurer: *Provided*, That the amount expended for such services and expenses of said agents shall not exceed the sum of one thousand dollars.

Services of examiners, how paid.

Proviso.

SEC. 4. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed. This act is ordered to take immediate effect.

Acts repealed.

Approved May 1, 1901.

[No. 96.]

AN ACT to authorize the Governor of this State to appoint a commission to select a design for a State soldiers' and sailors' monument to be erected on the capitol grounds at Lansing, and to determine the location of the same on such grounds, and to report such design and location to the Governor, with an estimate of the cost of the erection of said monument, so that the matter of the appropriation and details for the erection may be properly submitted to the legislature by the Governor in his next message.

The People of the State of Michigan enact:

Governor to
appoint com-
mission.

Compensa-
tion.

To select
design and
location.

To report to
governor.

SECTION 1. That the Governor of this State be and is hereby authorized to appoint a commission, to be composed of five members, to be known as the "Soldiers' and Sailors' Monument Commission," who shall serve without compensation except for actual or necessary expenses, to be allowed by the State Board of Auditors, and who shall have power to select a suitable design for the State soldiers' and sailors' monument, to be erected on the capitol grounds in Lansing, and to determine at what point on said grounds such monument should be located, and to report to the Governor in reference to such design and location, with an estimate of the cost of the erection of such a monument, and that the matter of an appropriation and details necessary for the erection of a creditable State soldiers' and sailors' monument, to commemorate the heroism of Michigan soldiers and sailors in the civil war, the Spanish-American war, and the campaign in the Philippines, be properly submitted to the legislature by the Governor in his next message.

Approved May 1, 1901.

[No. 97.]

AN ACT to require adequate water supply, sewerage and drainage to all slaughter houses in or within one mile of any city, park or highway, and to provide a penalty for violation of the provisions of this act.

The People of the State of Michigan enact:

To have water
supply within
certain limits.

SECTION 1. That from and after the time when this act shall take effect it shall not be lawful for any person or corporation, its officers or agents, to keep or maintain in any city or within one mile of the limits of any city or park, or

within thirty rods of any highway or street car line, any slaughter house, slaughter yard or slaughter pen or any other place for slaughtering or killing any animals, or for rendering dead animals, except such place as shall be supplied with an adequate supply of water for daily and constant flushing and purifying of the place, and with adequate sewerage and drainage for the speedy removal of all blood and other fluid refuse from such slaughtering, killing or rendering.

SEC. 2. It shall not be lawful for any person or corporation, its officers or agents in charge of any slaughter house, slaughter yard or slaughter pen in or within one mile of any city or park, or within thirty rods of any highway or street car line, to so dispose of any offal, heads, horns, hides or other portions of any dead animal as to be a nuisance, or contrary to the rules of the local board of health. Disposal of refuse.

SEC. 3. Whoever violates a provision of this act shall, on conviction, be deemed to be guilty of a misdemeanor, and shall be fined a sum not exceeding one hundred dollars and costs of prosecution, and in default of payment of such penalty shall be imprisoned in the county jail not exceeding sixty days. Penalty for violation.

Approved May 1, 1901.

[No. 98.]

AN ACT to prevent and punish the desecration of the flag of the United States.

The People of the State of Michigan enact:

SECTION 1. Any person who, for exhibition or display, shall place, or cause to be placed, any words, figures, numbers, marks, inscriptions, picture, design, device, symbol, token, notice, drawing, or any advertisement of any nature whatever, upon any flag, standard, color or ensign of the United States, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign of the United States upon which shall be printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any words, figures, numbers, marks, inscriptions, pictures, design, device, symbol, token, notice, drawing, or any advertisement of any nature or kind whatever, or shall publicly mutilate, trample upon, or publicly deface, defy, defile, or cast contempt, either by words or act, upon any such flag, standard, color or ensign of the United States, shall be deemed guilty of a misdemeanor. Desecration of flag a misdemeanor.

Word flag,
how con-
strued.

SEC. 2. The words flag, standard, color or ensign of the United States, as used in this act shall be construed to include any flag, standard, color, ensign, or any representation or picture of a flag, standard, color or ensign, made of or upon any substance whatever, and of any size whatever, showing or displaying the national colors, the stars and stripes.

Application
of act.

SEC. 3. This act shall not apply to any act permitted by the statutes of the United States or by the United States army and naval regulations, nor shall this act be construed to apply to the regular issue of a newspaper or other periodical on which shall be printed said flag, disconnected from any advertisement, or the vignette of any political ballot.

Penalty for
violation.

SEC. 4. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not less than five nor more than twenty-five dollars, or imprisonment for thirty days in the county jail of the county in which such conviction is had, or by both such fine and imprisonment in the discretion of the court.

Approved May 1, 1901.

[No. 99.]

AN ACT to amend section four, section five, section six, section eight and section thirteen of act one hundred forty-seven of the general school laws of eighteen hundred ninety-one, entitled "An act to provide for the election of county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. Section four, section five, section six, section eight and section thirteen of act one hundred forty-seven of the general laws of eighteen hundred ninety-one, entitled "An act to provide for the election of the county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," be amended so as to read as follows:

SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examinations shall be on the last Thursday of March and the third Thursday of August in each year. From these two examinations certificates of all grades may be granted. The said board of examiners may also in their discretion hold two other regular public examinations, which shall begin on the third Thursday of June and October and at such places as in the judgment of the board the best interests of the teachers may require. From these two examinations only certificates of the second and third grade may be granted. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding such examinations and to cause it to be published in one or more newspapers of the county at least ten days before such examination.

When to hold examinations.

May hold other examinations.

Time and place.

SEC. 5. The board of school examiners shall meet on the Saturday of the week following each public examination held according to the provisions of section four of this act and shall grant certificates to teachers in such form as the Superintendent of Public Instruction shall prescribe, licensing as teachers all persons who have attained the age of eighteen years, who have attended such public examinations, and who shall be found qualified in respect to good moral character, learning and ability, to instruct and govern a school, but no certificate shall be granted to any person who, having arrived at the age of twenty-one years, is not a citizen of the United States, and who shall not have passed a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government, and physiology and hygiene with reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system: *Provided*, That any commissioner may, upon the request of any holder of a second-grade certificate, send the papers written by such person, properly certified and under seal, to the county board of school examiners of any other county for their examination, and such board of school examiners may, in their discretion, receive such papers, and if they accept them, shall treat them in the same manner as if written at a public examination in their own county. The board of examiners shall have the right, however, to renew without examination the certificates of persons who shall have previously attained an average standing of at least eighty-five per cent in all the studies covered in two or more previous examinations and who shall have been since such last named examination continuously and successfully teaching in the same county: *Provided further*, That in the renewal of a certified first grade certificate the person shall not be restricted to teaching in any one county. All certificates shall be signed by the county com-

When board to grant certificates.

Qualification of applicants.

Proviso.

Further proviso.

missioner and by at least one of the members of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools under the provisions of this act who has not a certificate in force granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the Superintendent of Public Instruction, to the county commissioner, under seal, to be opened in the presence of the applicants for certificates on the day of examination.

Who to prepare and furnish questions.

To be three grades of certificates.

First grade.

Proviso.

Further proviso.

Further proviso.

Second grade.

Third grade.

Class A.

Class B.

SEC. 6. There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the Superintendent of Public Instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who have taught at least one year with ability and success, and it shall be valid throughout the State for four years: *Provided*, That all examination papers for first grade certificates, favorably passed upon by the board of examiners, together with such certificate shall be forwarded to the Superintendent of Public Instruction within ten days from date of examination for inspection: *Provided further*, That any applicant for a first grade certificate who feels that the county board of school examiners have not given his papers the credit due them, may order them sent to the State Superintendent of Public Instruction for inspection; and if the standings given by the State Superintendent of Public Instruction are sufficient for his indorsement of the certificate, the county board of school examiners shall issue such certificate, unless they shall give reasons satisfactory to the Superintendent of Public Instruction for withholding the same: *And provided further*, That no first grade certificate shall be valid in any county other than that in which it is granted, unless approved and countersigned by the Superintendent of Public Instruction and a copy filed with the county commissioner in the county in which the holder of said certificate desires to teach. The certificate of the second grade shall be granted only to those who shall have taught at least seven months with ability and success and it shall be valid throughout the county for which it shall be granted for three years. The certificates of the third grade shall be divided into two classes known as A and B. Third grade certificates of class A shall be granted only to persons who have taught successfully and continuously for at least three years next preceding the examination, in primary departments of graded schools, and the certificates of this class shall entitle the holder to teach in primary departments of graded schools only. Third grade certificates of class B shall license the holder to teach in any school of the county in which it shall be granted, for one

year; but no more than three certificates of this class shall be granted to the same person: *Provided*, That the county commissioner shall have power, upon personal examination satisfactory to himself or herself, to grant certificates which shall license the holder thereof to teach in a specified district for which it shall be granted, but such certificate shall not continue in force beyond the time of the next public examination and in no case shall a second special certificate be granted to the same person, and it shall not in any way exempt the teacher from a full examination. Proviso.

Sec. 8. It shall be the duty of the county commissioner:

First. Immediately after his or her qualification as commissioner to send notice thereof to the Superintendent of Public Instruction and the chairman of each township board of school inspectors of the county; Duties of commissioner.
Notice of qualification.
to whom given.

Second. To keep a record of all examinations held by the board of school examiners and to sign all certificates and other papers and reports issued by the board; To keep record of examinations.

Third. To receive the institute fees provided by law and to pay the same to the county treasurer quarterly, beginning September thirty in each year; Fees, disposition of.

Fourth. To keep a record of all certificates granted, suspended or revoked by the said board or commissioner, showing to whom issued, together with the date, grade, duration of each certificate, and, if suspended or revoked, with the date and the reason thereof; To record certificates.

Fifth. To furnish, previous to the first Monday in September in each year, to the township clerk of each town in the county a list of all persons legally authorized to teach in the county at large, during the current school year, and in such township, with the date and term of each certificate, and if any have been suspended or revoked the date of such suspension or revocation; To furnish list of persons authorized to teach.

Sixth. To visit each of the schools in the county at least once in each year and to examine carefully the discipline, the mode of instruction and the progress and proficiency of pupils: *Provided*, That in counties containing one hundred twenty or more districts the commissioner of schools is hereby authorized to appoint such assistants as may be necessary, who shall perform such duties as said commissioner shall direct: *Provided*, That in counties containing less than one hundred twenty districts such assistants shall be appointed with the consent of the board of supervisors: *Provided further*, That the whole expense incurred by such assistants shall not exceed the sum of ninety dollars in one year in any county; To examine schools.

Proviso.

Proviso.

Further proviso.

Seventh. To counsel with the teachers and the school board as to the course of study to be pursued, and as to any improvement in the discipline and instruction in the schools; As regards studies, etc.

Eighth. To promote, by such means as he or she may devise, the improvement of the schools in the county and Relative to improvement of schools, etc

the elevation of the character and qualifications of the teachers and the officers thereof, and act as assistant conductor in institutes appointed by the Superintendent of Public Instruction, and perform such other duties pertaining thereto as the superintendent shall require;

To examine and approve certain reports.

Ninth. To receive the duplicate annual reports of the several boards of school inspectors, examine into the correctness of the same, requiring them to be amended when necessary, endorse his or her approval upon them, and immediately thereafter and before the first day of November in each year, transmit to the Superintendent of Public Instruction one copy of each said reports and file the other in the office of the county clerk;

Subject to orders of superintendent.

Tenth. To be subject to such instructions and rules as the Superintendent of Public Instruction may prescribe: To receive all blanks and communications that may be sent to him or her by the Superintendent of Public Instruction, to dispose of the same as directed by the said superintendent, and to make annual reports at the close of the school year to the Superintendent of Public Instruction of his or her official labor, and of the schools of the county, together with such other information as may be required;

Further duties.

Eleventh. To perform such other duties as may be required of him or her by law, and at the close of the term of office to deliver all records, books and papers belonging to the office to his or her successor.

Only qualified teachers to be employed.

SEC. 13. The officers of every school district, except as hereinafter provided, which is, or shall hereafter be, organized in whole or in part in any city or village in this State, which is incorporated under the general laws or by special enactment, in which enactment special provisions exist in regard to licensing teachers, shall employ only such teachers as are legally qualified under the preceding sections of this act: *Provided*, That in incorporated cities employing a principal of the high school and also a superintendent of schools who gives not less than one-half of his time to school supervision, the superintendent of schools and the board of education, or a committee thereof, shall be empowered to examine their teachers and grant certificates to such as are not already legally qualified, at such times and in such form as the Superintendent of Public Instruction shall prescribe:

Proviso.

Further proviso.

And provided further, That cities having a special and thoroughly equipped normal training department, under control of a special training teacher, such school having a course of not less than one year, shall be exempt from the provisions of this section as to the examination of teachers. Any board of education that shall violate the provisions of this act by employing a teacher who is not legally qualified, shall forfeit such a proportion of the primary school interest fund as the number of unqualified teachers employed bear to the whole number of teachers employed in the district. All

Penalty for violation of act.

school districts organized by special enactments shall, through their proper officers, make such reports as the Superintendent of Public Instruction may require.

Approved May 1, 1901.

[No. 100.]

AN ACT to permit of the use of pound nets with meshes not less than two inches for taking perch, herring and other rough fish, and of gill nets with meshes not less than three and one-eighth inches, extension measure, for taking "Menominees," during certain seasons of the year, in the waters of Green bay within the counties of Delta and Menominee, where they will not interfere with or catch immature whitefish, lake trout or wall-eyed pike, and to repeal act number two hundred ninety-six of the local acts of Michigan for the year eighteen hundred ninety-five.

The People of the State of Michigan enact:

SECTION 1. It shall be lawful to use pound or trap nets, the meshes of the pot, crib or pocket of which shall not be less than two inches, extension measure, as manufactured, for taking or catching perch, herring and other rough fish, in the waters of Green bay within the counties of Delta and Menominee, from the first day of September in each year until the first day of July in the year following.

When lawful
to use certain
pound nets.

SEC. 2. It shall be lawful to use gill nets with meshes not less than three and one-eighth inches, extension measure, as manufactured, in the waters and during the time specified in section one of this act, for taking or catching fish commonly called "Menominees:" *Provided*, That nothing in this act contained shall permit of the use of nets with meshes smaller than specified in act number eighty-eight of the public acts of eighteen hundred ninety-nine, whenever and wherever it shall be shown that they interfere with or catch immature whitefish, lake trout, or wall-eyed pike. By immature fish is meant those so small that the taking thereof is prohibited by the general laws of this State.

When certain
gill nets may
be used for
Menominees.

Proviso.

SEC. 3. This act shall apply to and be operative in the waters of Green bay within the counties of Delta and Menominee, and all acts or parts of acts contrary to or inconsistent with the provisions of this act shall be inoperative in said waters.

How act
applied.

SEC. 4. Act number two hundred ninety-six of the local acts of Michigan for the year eighteen hundred ninety-five, entitled "An act to protect fish and to regulate fishing in the

Act repealed.

waters of Green bay within the county of Menominee, by prohibiting the use of seines, pound nets, gill nets, and other fixed or set nets with meshes below certain sizes, and to regulate the use of such nets and provide a penalty for the violation of such law," is hereby repealed.

This act is ordered to take immediate effect.

Approved May 2, 1901.

[No. 101.]

AN ACT to provide for the lawful taking of German carp, suckers, and mullet from the waters of the Flint river in Genesee county, Michigan.

The People of the State of Michigan enact:

When lawful
to take certain
fish.

Proviso.

SECTION 1. It shall be lawful during the month of April to take German carp, suckers and mullet from the waters of the Flint river, Genesee county, Michigan, by means of nets or in any other manner not destructive to other kinds of fish: *Provided*, That the taking of German carp, suckers, and mullet from said waters shall be done in such manner as not to destroy other kinds of food fish protected under the laws of this State from being taken with nets or in other ways prohibited by law.

This act is ordered to take immediate effect.

Approved May 2, 1901.

[No. 102.]

AN ACT to amend section one of act number forty of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," being section eight thousand four hundred fifty-four of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number forty of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," being section eight thousand four hundred fifty-four of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That any light guard or military company in this State, being a part of the military or militia organized under the laws of this State, and which has made application to be accepted as a company of State troops, may be incorporated for the purpose of purchasing or erecting and constructing an armory and other edifice or hall, to be used by them and let to others for literary entertainments, public meetings, exhibitions or any other legitimate purpose.

For what
purpose
may become
incorporated.

This act is ordered to take immediate effect.

Approved May 2, 1901.

[No. 103.]

AN ACT to amend act number forty of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," being sections eight thousand four hundred fifty-four to eight thousand four hundred sixty-four of the compiled laws of eighteen hundred ninety-seven, by adding thereto a new section to stand as section twelve.

The People of the State of Michigan enact:

SECTION 1. That act number forty of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," being sections eight thousand four hundred fifty-four to eight thousand four hundred sixty-four of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended by the addition thereto of a new section to stand as section twelve and to read as follows:

Act amended.

SEC. 12. Whenever any light guard or military company of this State shall have had or shall hereafter have, under its by-laws or rules and regulations, any veteran corps or civil corps or association, the members of such veteran corps or civil corps or association in good standing shall be entitled on signing the articles of association and by-laws of such corporation theretofore formed or thereafter to be formed under this chapter, to membership therein as corporators.

How certain
members
may become
corporators.

This act is ordered to take immediate effect.

Approved May 2, 1901.

[No. 104.]

AN ACT making an appropriation for the Michigan State Naval Brigade for the fiscal year ending June thirty, nineteen hundred two, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That in addition to the twelve thousand one hundred four dollars and ninety-one cents appropriated by section thirty-six of act number six of the public acts of eighteen hundred ninety-eight, for the fiscal year ending June thirty, nineteen hundred two, there be and hereby is appropriated the sum of eight thousand four hundred six dollars and fifteen cents for the use and benefit of the Michigan State Naval Brigade: *Provided*, That the military officers of the State may obtain money under this appropriation before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

Proviso.

To be incorporated in State tax.

SEC. 2. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of eight thousand four hundred six dollars and fifteen cents, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved May 4, 1901.

[No. 105.]

AN ACT to prohibit the conducting, establishing or maintaining, or carrying on, without a license, of any maternity hospital, lying-in asylum, or other place for the receiving, caring for or treating of females during pregnancy or during or after delivery, and to provide for the licensing and regulation of the same.

The People of the State of Michigan enact:

Unlawful to conduct without license.

SECTION 1. That it shall be unlawful for any person or persons to conduct, establish, maintain or carry on, any maternity hospital, lying-in asylum, or other place where females may be received, cared for or treated during pregnancy, or during or after delivery, without having first obtained a license in writing, as hereinafter provided, from the board of

health of the township or city wherein such females are received or kept.

SEC. 2. The board of health of any incorporated city within this State is hereby authorized to grant such licenses to conduct, establish, maintain or carry on, any maternity hospital, lying-in asylum, or other place as aforesaid, at any place within the corporate limits of such city; and the board of health of any township within this State is hereby authorized to grant such licenses to conduct, establish, maintain or carry on, any maternity hospital, lying-in asylum, or other place as aforesaid, at any place within the limits of such township outside of the corporate limits of any city.

Who to issue
license.

SEC. 3. The person or persons desiring to obtain such license shall first file with such board of health a written application endorsed by six or more persons of good moral character who are resident taxpayers of the county where such maternity hospital, lying-in asylum or other place is to be located, and who shall certify to the respectability of the applicant, and that such hospital, asylum or other place shall only be used for legitimate, moral and charitable purposes. If, after due inquiry, such board of health is satisfied that the applicant is a proper person and the premises are suitably and properly arranged for such purpose, the said board of health shall grant a license for the purpose or purposes above mentioned, upon the payment of a fee of five dollars, which said amount shall be paid by said board into the city or township treasury. Such license shall continue in force for a period of one year, subject, however, to be revoked by the board of health granting the same, upon the violation of the rules and regulations enacted by the said board of health for the government of such hospitals or asylums, as aforesaid. Every such license shall specify the name and residence of the person or persons so undertaking the care of such females, and the place, and the number of females thereby allowed to be received or kept therein. Every person so licensed shall keep a register wherein he shall enter the full names and addresses of each person admitted, the date of admission, the date of birth of every child born on said premises, and the names and residences of their parents as far as known, and also a correct register of the name and age of every child who is given out, adopted, taken away or indentured from such place to or by any person, together with the name and residence of the person or persons so adopting, taking or indenturing such child, and shall cause a correct copy of such register to be sent to the board of health issuing such license within forty-eight hours after such child is so given out, adopted, taken away or indentured. Such hospital, lying-in asylum or other place, and its records, shall be subject to the visitation or inspection at any reasonable time by the board of health issuing such license, or any special officer appointed for that purpose by any duly incorporated society

License, how
obtained.

License fee.

Life of
license.

What to
specify.

Register to
be kept, what
to show.

To be subject
to inspection.

for the prevention of cruelty to children. Such records shall be accessible only to such board of health and to such special officer.

Penalty for
violation of
act.

SEC. 4. Any person who shall violate any of the provisions of this act, or any person who shall conduct, establish, maintain or carry on any maternity hospital, lying-in asylum, or other place for females as aforesaid, without a license, as provided for in this act, shall be guilty of a misdemeanor, and upon conviction thereof for the first offense, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months in the county jail or house of correction, and upon conviction thereof for the second offense shall be punished by a fine not less than one hundred dollars, nor exceeding two hundred dollars, or by imprisonment not less than three months nor exceeding one year in the county jail or house of correction, or both such fine and imprisonment at the discretion of the court.

Application
of act.

SEC. 5. The provisions of this act shall not apply to any asylum, hospital or home duly incorporated under the laws of this State.

Acts repealed.

SEC. 6. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved May 7, 1901.

[No. 106.]

AN ACT to regulate the taking and catching of fish in the inland lakes of Cass county, State of Michigan.

The People of the State of Michigan enact:

Unlawful to
take fish.

SECTION 1. That it shall not be lawful for any person to take, catch or kill, or attempt to take, catch or kill, any fish in any of the inland lakes within the county of Cass, in this State, with any kind of spear or grap-hook, or the use of jacks or artificial light of any kind, or by the use of set lines or any kind of nets, or any kind of firearms, or explosive or other device: *Provided*, That it shall be lawful from April one to November one, of any year, for any person to use not to exceed three hooks and lines: *And provided further*, That it shall be lawful, from November one to April one, of any year, for any person to fish with not more than ten lines through the ice; said lines may be attached to brush, twig or tip-up, and shall not be construed to be a set line under this act: *Provided further*, That this act shall not be construed to permit the taking of bass or brook trout from any

Proviso.

Further
proviso.

Further
proviso.

of the waters of Cass county, at any time now prohibited under the general statutes of this State.

SEC. 2. In all prosecutions under this act it shall be prima facie evidence on the part of the people of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lakes with spear, net, trap net, set line, jack or artificial light of any kind, or with dynamite, giant powder, or any other explosive substance or combination of substances, or with a greater number of lines actually in use than provided for in section one of this act. What to be prima facie evidence.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court. Penalty for violation.

SEC. 4. Any and all other acts, public or local, heretofore passed, relative to the same subject, are hereby repealed and inoperative, save as hereinbefore provided, within the said county of Cass, State of Michigan. Acts repealed.

This act is ordered to take immediate effect.

Approved May 7, 1901.

[No. 107.]

AN ACT to prohibit the catching, killing or destroying of fish with seines or any species of continuous net, or with any form of spear or trap, or in any manner whatsoever, except with hook and line, in the waters of Silver lake, or in the channel leading from said Silver lake to Lake Michigan, in the township of Golden, Oceana county, Michigan, and providing a penalty therefor.

The People of the State of Michigan enact:

SECTION 1. That hereafter it shall not be lawful to catch, kill or destroy fish with seines or any species of continuous net, or with any form of spear or trap, or in any manner whatsoever, except with hook and line, in the waters of Silver lake in the township of Golden, county of Oceana, or in the channel leading from said Silver lake to Lake Michigan. Unlawful to take fish except with hook and line.

SEC. 2. Any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not to exceed one hundred dollars, or imprisonment in the county jail for a period not ex- Penalty for violation.

ceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 7, 1901.

[No. 108.]

AN ACT making appropriations for the fiscal year ending June thirty, nineteen hundred and two, for erecting one detached building for women patients, for the purchase of furniture and furnishings for the same, and for the erection of five fire-proof stairways and the necessary remodeling incident thereto in the main buildings already erected at the Michigan Asylum for the Insane at Kalamazoo, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

For what used.

Proviso.

How paid.

To be incorporated in state tax.

SECTION 1. That the sum of forty thousand six hundred forty-three dollars and twelve cents is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and two, for purposes and amounts as follows: For the erection and furnishing of one detached building for women, of sufficient capacity to accommodate not less than eighty patients, thirty-three thousand two hundred thirty-one dollars and fourteen cents, and for the construction of five fire-proof stairways and the necessary remodeling incident thereto in the buildings erected and now in use for patients at the Michigan Asylum for the Insane, seven thousand four hundred eleven dollars and ninety-eight cents: *Provided*, That the board of trustees may obtain money under this section before July first, nineteen hundred and one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan Asylum for the Insane at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred and one the sum of forty

thousand six hundred forty-three dollars and twelve cents, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Approved May 7, 1901.

[No. 109.]

AN ACT making appropriations for the Northern Michigan Asylum for the Insane for the fiscal year ending June thirty, nineteen hundred two, for building and other special purposes, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That the sum of fifty-two thousand six hundred forty-four dollars be and is hereby appropriated for the Northern Michigan Asylum for the Insane for the fiscal year ending June thirty, nineteen hundred two, by amounts and purposes as follows: For the erection of one cottage to accommodate fifty male patients, complete in every particular, twenty-one thousand three hundred sixty-seven dollars; for the erection of one cottage to accommodate fifty female patients, complete in every particular, twenty-one thousand three hundred sixty-seven dollars; for the purchase, setting up and steam connections of one hundred fifty horse-power water-tube boiler, two thousand eight hundred fifty dollars; for repairs to roofs and gutters of the main building of the asylum, three thousand eight hundred sixty dollars; for the purchase of forty acres of land adjoining the asylum farm, three thousand two hundred dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire fifty-two thousand six hundred forty-four dollars available for the purposes stated herein: *Provided further*, That the board of trustees may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Northern Michigan Asylum

for the Insane at such time and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

To be incorporated
in state tax.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of fifty-two thousand six hundred forty-four dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved May 8, 1901.

[No. 110.]

AN ACT to regulate the confinement and trial of infants under the age of sixteen years.

The People of the State of Michigan enact:

Minors under
arrest to be
kept in
separate cell,
etc.

SECTION 1. That no child under sixteen years of age while under arrest, confinement, or conviction for any crime, shall be placed in any apartment or cell of any prison or place of confinement with any adult who shall be under arrest, confinement, or conviction for any crime, or be permitted to remain in any court room during the trial of adults, or be transported in any vehicle of transportation in company with adults charged with or convicted of crime.

To have
separate trial.

SEC. 2. All cases involving the commitment or trial of children under sixteen years of age for any crime or misdemeanor, before any magistrate or justice of the peace, or in any court, shall be heard and determined by such court at a suitable time, to be designated therefor by it, separate and apart from the trial of other criminal cases.

Penalty for
violation.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

Acts repealed.

SEC. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved May 9, 1901.

[No. 111.]

AN ACT making appropriations for the State Industrial Home for Girls for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the current expenses of the State Industrial Home for Girls for the fiscal year ending June thirty, nineteen hundred two, the sum of fifty-five thousand one hundred fifty dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of fifty-eight thousand seven hundred fifty dollars.

Appropriation for current expense.

SEC. 2. The further sum of thirty thousand seven hundred seventy-five dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for purposes and amounts as follows: For the erection and completion of one new cottage, including heating and plumbing, seventeen thousand five hundred dollars; for furnishing same, two thousand dollars; for new floors in girls' rooms for all cottages excepting Alger, fifteen hundred dollars; for rebuilding brick chimney, eight hundred dollars; for connecting home with city water works, for relaying water pipes and for hydrants, etc., five thousand dollars; for cement basement floors in Central cottage, one hundred seventy-five dollars; for improving system of closet vaults, three thousand dollars; for electric wiring throughout the grounds and buildings, eight hundred dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire thirty thousand seven hundred seventy-five dollars available for the purposes stated herein: *Provided further*, That the board of guardians may obtain money under this section before July first, nineteen hundred and one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

For improvements.

How used.

Proviso.

Further proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Industrial Home for Girls at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Amount, how paid.

To be incorporated in State tax.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of eighty-five thousand nine hundred twenty-five dollars, and for the year nineteen hundred two the sum of fifty-eight thousand seven hundred fifty dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved May 9, 1901.

[No. 112.]

AN ACT to amend section one of act number three hundred six of the public acts of eighteen hundred eighty-seven, entitled "An act to prohibit fishing with nets, excepting dip nets, in any of the lakes, bays, bayous, harbors or streams of Muskegon county, in this State."

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section one of act number three hundred six of the public acts of eighteen hundred eighty-seven, entitled "An act to prohibit fishing with nets, excepting dip nets, in any of the lakes, bays, bayous, harbors or streams of Muskegon county, in this State," be and the same is hereby amended so as to read as follows:

Unlawful to use seines, nets, etc., in certain waters.

SECTION 1. That it shall not hereafter be lawful for any person to fish with seines, pound nets, traps, trap nets, or any nets of whatsoever kind or description in any of the lakes, bays, bayous, harbors, rivers or streams, within the county of Muskegon in this State. And when such streams empty into Lake Michigan, or such lakes, bays, bayous or harbors have an outlet in the said Lake Michigan this act shall apply to the waters of Lake Michigan at any point within the distance of ten rods from the outlet of any stream therein, or where there are piers, between which such waters are discharged into said Lake Michigan within ten rods of the outermost end of such pier: *Provided*, That except, as aforesaid, this act shall not apply or be construed as applicable to the waters of Lake Michigan: *Provided further*, That the use of dip nets for the purpose of catching minnows or small fry fish for bait shall not be unlawful.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved May 9, 1901.

[No. 113.]

AN ACT to provide for the inspection of manufacturing establishments, workshops, hotels and stores in this State; to provide for the regulation of such establishments, and the employment of women and children therein; to regulate the conduct of sweatshops, so called; to provide for the enforcement of the provisions of this act; and to make an appropriation for the purpose of carrying out the same.

The People of the State of Michigan enact:

SECTION 1. No male under the age of eighteen years and no female under the age of twenty-one years shall be employed in any manufacturing establishment in this State for any longer period than sixty hours in one week unless for the purpose of making necessary repairs to machinery in order to avoid the stoppage of the ordinary running of the establishments, and that no male under the age of eighteen years and no female under the age of twenty-one years shall be employed in any store in this State employing more than ten persons for a longer period than sixty hours in one week: *Provided*, That no more than ten hours shall be exacted from such male minors or females under twenty-one years on any day unless for the purpose of making a shorter workday on the last day of the week.

Limit of hours
minors to be
employed.

Proviso.

SEC. 2. No child under the age of fourteen years shall be employed in any manufacturing establishment, hotel or store within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and that no child shall be employed between the hours of six o'clock p. m. and seven o'clock a. m. in any manufacturing establishment or workshop in this State; and that it shall be unlawful for any manufacturing establishment, hotel or store to hire or employ any child under the age of sixteen years without there is first provided and placed on file a sworn statement made by the parent or guardian, stating the age, date and place of birth of said child, and that the child can read and write. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand by any factory inspector appointed under this act: *Provided*, That in the city of Detroit and the city of Grand Rapids all sworn statements must be made before a deputy factory inspector.

Not to be em-
ployed under
certain age.
Record to be
kept.

Employer to
receive state-
ment before
hiring.

Proviso.

SEC. 3. No child under the age of sixteen years shall be employed by any person, firm or corporation conducting any manufacturing establishment in this State, at employment

Not to be em-
ployed for
dangerous
labors.

whereby its life or limb is endangered, or its health is likely to be injured, or its morals may be depraved, by such employment. No female under the age of twenty-one years and no male under the age of eighteen years shall be allowed to clean machinery while in motion.

Who may demand certificate of physical fitness.

SEC. 4. Factory inspectors shall have power to demand a certificate of physical fitness from the county physician, who shall make such examination free of charge, in the case of persons who seem physically unable to perform the labor at which they may be employed, and shall have power to prohibit the employment of any person that cannot obtain such a certificate: *Provided*, This section shall not apply except to children under sixteen years of age.

Proviso.

Duties of owner, etc., of establishment.

SEC. 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or well-holes are used, to cause the same to be properly enclosed and secured. It shall also be the duty of the owner, agent or lessee to provide or cause to be provided at all elevator openings in any manufacturing establishment, workshop, hotel or store such proper trap or automatic doors or automatic gates, so constructed as to open or close by the action of elevators either ascending or descending. The factory inspector, assistant factory inspector, or deputy factory inspector, shall inspect the cables, gearing or other apparatus of elevators in manufacturing establishments, workshops, hotels and stores at least once in each year, and more frequently if necessary, and require that the same be kept in a safe condition.

Who to inspect elevators, etc.

When fire escapes to be provided.

SEC. 6. Fire escapes shall be provided for all manufacturing establishments, hotels and stores, two or more stories in height, if in the opinion of the factory inspector it is necessary to insure the safety of the persons employed in such establishments; said fire escapes or means of egress, or as many thereof as may be deemed sufficient by the inspector, shall be provided, and where it is necessary to provide fire escapes on the outside of such establishments, they shall consist of landings or balconies at each floor above the first, to be built according to specifications approved by the factory inspector. The windows or doors leading to all fire escapes shall open outwardly, or upwardly when provided with a counterbalancing weight, said windows or doors to be not less than thirty-six inches in height and thirty inches in width. All fire escapes shall be located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings; and the ladder thereof shall extend to the roof; stationary stairs or ladders shall be provided on the inside from the upper story to the roof, as a means of escape in case of fire. Signs indicating the way to fire escapes shall be placed in conspicuous places. Factory inspectors shall in writing notify the owner, agent or lessee of such manufacturing establishments, hotels and stores, of the required location and specifications of such fire escapes as may be ordered.

Of what to consist.

Where located.

Signs to be placed.

SEC. 7. Stairways with substantial hand rails shall be provided in manufacturing establishments, and where in the opinion of the factory inspector it is necessary, the steps of such stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at sides and bottom where females are employed, and where practicable the doors of such establishments shall swing outwardly or slide, as ordered by said factory inspector, and shall be neither locked, bolted or fastened during working hours.

Certain stairways to be constructed.

When to be screened.

SEC. 8. It shall also be the duty of the owner of any factory, or his agent, superintendent or other person in charge of the same, to furnish or supply, or cause to be furnished or supplied, in the discretion of the factory inspector, where machinery is in use, proper shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys. All gearing or belting shall be provided with proper safeguards, and wherever possible machinery shall be provided with loose pulleys. All vats, saws, pans, planers, cogs, set-screws, gearing and machinery of every description, shall be properly guarded when deemed necessary by the factory inspector.

Belt shifts to be furnished.

Certain machinery to be guarded.

SEC. 9. Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones, and dust-creating machinery, wherever deemed necessary by the factory inspector.

Exhaust fans to be provided.

SEC. 10. Every manufacturing establishment, workshop, hotel or store in which five or more persons are employed, and every such institution in which two or more children, young persons or women are employed, shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be provided within reasonable access with a sufficient number of proper water-closets, earth-closets or privies for the reasonable use of the persons employed therein, at least one of such closets for each twenty-five persons employed; and wherever two or more persons and one or more female persons are employed as aforesaid, a sufficient number of separate and distinct water-closets, earth-closets or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

When to be supplied with wash rooms, etc.

Where both sex are employed.

SEC. 11. Not less than forty-five minutes shall be allowed for the noonday meal in any manufacturing establishment in this State. Factory inspectors shall have power to issue written permits in special cases, allowing a shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary, and shall only be given where good cause can be shown.

Time of nooning.

Special permits.

Who to be inspectors.

One to be a woman.

Deputies, whom to report to.

Reports to whom given.

Deputies to have power to administer oaths.

Institutions exempt from certain sections.

Who to cause annual inspection.

By whom may be made.

Control and compensation of persons appointed.

By whom paid.

Proviso.

SEC. 12. The Commissioner of Labor and deputy commissioner of labor and deputy factory inspectors shall be factory inspectors in the meaning of this act. At least one of which deputy factory inspectors shall be a woman. Said factory inspectors are hereby empowered to visit and inspect at all reasonable hours, as often as practicable or required, the factories, workshops and other manufacturing establishments in this State where the manufacture of goods is carried on, and all hotels where any person or persons are employed, also all stores employing ten or more persons. Deputy factory inspectors shall report to the Commissioner of Labor of this State at such time and manner as he may require. It shall also be the duty of the factory inspectors to enforce all the provisions of this act and to prosecute for all violations of the same before any magistrate or in any court of competent jurisdiction in this State.

SEC. 13. Deputy factory inspectors shall make report to the Commissioner of Labor of each factory, hotel and store visited and inspected by them, which report shall be kept on file in the office of the commissioner, and a copy of said report shall be left with the owner or person in charge of the establishment visited and inspected. Deputy factory inspectors shall have the same power to administer oaths as is now given to notaries public, in cases where persons desire to verify documents connected with the proper enforcement of this act.

SEC. 14. Sections one, two and three of this act shall not apply to canning factories or evaporating works, but shall apply to any other place where goods, wares or products are manufactured, repaired, cleaned or sorted, in whole or in part; but no other person, persons or [corporation] corporations employing less than five persons, or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

SEC. 15. For the purpose of carrying out the provisions of this act, the Commissioner of Labor is hereby authorized and required to cause at least an annual inspection of the manufacturing establishments, factories and hotels, also all stores employing ten or more persons, in this State. Such inspection may be by the Commissioner of Labor, the deputy commissioner of labor, or such other person as may be appointed by the Commissioner of Labor for the purpose of making such inspection. Such persons shall be under the control and direction of the Commissioner of Labor, and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the Commissioner of Labor, not to exceed three dollars a day, together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State Treasurer upon the warrant of the Auditor General: *Provided*, That not more than twenty thousand dollars shall be expended in such

inspection in any one year: *And provided further*, That the Commissioner of Labor shall present to the Governor, on or before the first day of February of each year, a report of such inspection, with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution, and all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Further
proviso.

Further
proviso.

SEC. 16. The prosecuting attorney of any county of this State is hereby authorized and required upon the complaint on oath of the Commissioner of Labor or factory inspectors, to prosecute to termination before any court of competent jurisdiction, in the name of the people of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

Who to prosecute violators.

SEC. 17. No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist-bands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any persons to work in any room, apartment or in any building or parts of buildings, at making, in whole or in part, any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein and that the building or part of building intended to be used for such work or business is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names

Manufacturing not allowed in tenements, etc., without permit.

Permit may be revoked.

When production of permit required.

Proviso.

Contagious
disease by
whom and to
whom report-
ed.Power of
factory inspec-
tor in certain
cases.Proceedings
when goods
are found to
be manufact-
ured under
unhealthy
conditions.Penalty for
violation of
act.

and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use. None of the work mentioned in this section shall be done in any room or apartment used for living or sleeping purposes, or which is connected with the room or rooms used for such purposes, and which has not a separate and distinct outside entrance, except by members of the family dwelling therein. Not less than two hundred and fifty cubic feet of air space shall be allowed for each person employed, and all work rooms shall be provided with sufficient means of light, heat and ventilation as may be prescribed by the chief factory inspector. It shall be the duty of local boards of health, health officers and physicians to report within twenty-four hours to the deputy factory inspector in their respective districts each and every case of contagious or infectious disease coming officially to their knowledge. The chief factory inspector or any duly appointed deputy factory inspector shall have power to seize and take charge of all articles found that are being made or partially made, finished, cleaned or repaired in unhealthy or unsanitary places where there are contagious or infectious diseases, in violation of the law, and may proceed to disinfect, condemn or destroy the same as in the opinion of the local board of health or health officer, the public health or safety may require. Whenever it is reported to the chief factory inspector or to the State Board of Health, or to either of them, that any of the articles named in this section are being or have been shipped into this State, having previously been manufactured in whole or in part under unhealthy conditions, said chief factory inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the State Board of Health, which board shall thereupon make such order or orders as the public health and safety may require.

SEC. 18. Any person who violates or omits to comply with any of the foregoing provisions of this act, or who interferes in any manner with the factory inspector in the discharge of his duties, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars or by imprisonment for not less than ten nor more than ninety days,

or by both such fine and imprisonment in the discretion of the court.

SEC. 19. Act one hundred eighty-four of the public acts Acts repealed. of eighteen hundred ninety-five, and all acts amendatory thereto, is hereby repealed.

This act is ordered to take immediate effect.

Approved May 13, 1901.

[No. 114.]

AN ACT to amend section eight of act one hundred thirty-six of the public acts of eighteen hundred sixty-nine, being an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April third, eighteen hundred sixty-nine, as amended by act number seventy-three of the public acts of eighteen hundred ninety-nine, being compiler's section seven thousand two hundred thirty-one of chapter one hundred ninety-four of the compiled laws of the State of Michigan of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section eight of act number one hundred thirty-six of the public acts of eighteen hundred sixty-nine, being an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April third, eighteen hundred sixty-nine, as amended by act number seventy-three of the public acts of eighteen hundred ninety-nine, being compiler's section seven thousand two hundred thirty-one of the compiled laws of eighteen hundred ninety-seven, be amended so as to read as follows: Section amended.

SEC. 8. It shall be lawful for any fire insurance company organized under this act, or incorporated under any law of this State to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unincumbered improved real estate within the State of Michigan, worth double the sum loaned thereon, exclusive of buildings, unless such buildings be insured, and the policies endorsed with the loss clause "payable to the mortgagee, as the mortgage interest may appear;" and also in the bonds of this State, or bonds or treasury notes of the United States; and also in the bonds of any county, municipality or school district in this State, authorized to be issued by law; or in the public debt or bonds of any state or city, county, township, village, or school district of any state in the United States, which shall have been authorized by the legislature of How capital and funds may be invested.

Proviso. such state: *Provided*, That such state or municipality has not, in the ten years preceding the time of such investment, repudiated its debt and failed to pay the same or the interest due thereon, or upon any part of such debt: *And provided*

Further proviso. *further*, That the total indebtedness of such county, township, village or school district does not exceed five per cent of the assessed valuation of the property liable to taxation, taken as appears from the last preceding assessment roll, or upon negotiable notes secured by pledge of stock of national or state banks, the market value of which equals or exceeds twenty-five per cent above its par value at the time of the loan. Said companies may also invest their capital and funds in the legally authorized bonds of the New York Central & Hudson River Railroad Company, of the Michigan Central Railroad Company, of the Lake Shore & Michigan Southern Railway Company, of the Illinois Central Railroad Company, of the Pennsylvania Railroad Company, of the Delaware, Lackawanna & Western Railroad Company, of the Chicago, Burlington & Quincy Railroad Company, of the Chicago & Northwestern Railway Company, and the Delaware & Hudson Canal Company:

Proviso. *Provided*, That all such railroad bonds hereby authorized for investment shall be secured by first mortgage of the whole or a part of the railroad and railroad property actually in the possession of and operated by such company: *And provided*, That each railroad whose bonds are hereby authorized for investment shall have earned and paid regular dividends of not less than four per cent. each fiscal year on all its issues of capital stock for the ten years next preceding such investment, and that such capital stock shall equal or exceed in amount one-third of the par value of all its bonded indebtedness. Street and electric railway corporations shall not be considered railway corporations within the meaning hereof; also in the legally authorized bonds of any railroad company incorporated under the authority of the states of New York, Massachusetts, Ohio, Michigan, Illinois or Iowa, whose road is located wholly or in part in the same and has earned and paid regular dividends of not less than four per cent. per annum on all its issues of capital stock for the ten years preceding such investment:

Proviso. *Provided*, Said bonds be secured by a first mortgage of the whole or a part of the railroad and railroad property of such company, and be guaranteed, both principal and interest, by one or more of the railway or railroad companies named in this section, and said companies may change and re-invest said capital and funds as occasion may from time to time require: *Provided*, That the investments of any such insurance company in railroad bonds shall never at any time exceed fifty per cent. of its total investments.

This act is ordered to take immediate effect.

Approved May 13, 1901.

[No. 115.]

AN ACT making appropriations for the State Board of Fish Commissioners for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the current expenses of the State Board of Fish Commissioners for the fiscal year ending June thirty, nineteen hundred two, the sum of twenty-six thousand three hundred fifteen dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of thirty-one thousand dollars. Appropriation for current expense.

SEC. 2. The further sum of eighteen thousand eight hundred forty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and two, and for purposes and amounts as follows: For the Mill Creek station, two thousand seven hundred dollars; for car, five hundred dollars; for the Paris station, one thousand four hundred dollars; for the Sault station, four thousand six hundred forty dollars; for a new bass station, four thousand four hundred dollars; for a new auxiliary brook trout station, five thousand two hundred dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire eighteen thousand eight hundred forty dollars available for the purposes stated herein. Further appropriation.
How used.
Proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Board of Fish Commissioners at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of forty-five thousand one hundred and fifty-five dollars, and for the year nineteen hundred two the sum of thirty-one thousand dollars, which, when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is given immediate effect.

Approved May 13, 1901.

[No. 116.]

AN ACT to repeal sections five and six of act number forty of the public acts of nineteen hundred one, entitled "An act to detach Calhoun county from the fifth judicial circuit, and to create the thirty-seventh judicial circuit," approved April fourth, nineteen hundred one.

The People of the State of Michigan enact:

Sections
repealed.

SECTION 1. That sections five and six of act number forty of the public acts of nineteen hundred one, entitled "An act to detach Calhoun county from the fifth judicial circuit, and to create the thirty-seventh judicial circuit," approved April fourth, nineteen hundred one, be and the same are hereby repealed.

Approved May 13, 1901.

[No. 117.]

AN ACT making appropriations for the current expenses and building and special purposes for the Michigan College of Mines, at Houghton, for the fiscal years ending June thirtieth, nineteen hundred two, and June thirtieth, nineteen hundred three, and to provide a tax to meet the same.

The People of the State of Michigan enact:

Appropriation
for
current
expense.

SECTION 1. There is hereby appropriated for the current expenses of the Michigan College of Mines for the fiscal year ending June thirtieth, nineteen hundred two, the sum of forty-three thousand three hundred twenty-five dollars, and for the fiscal year ending June thirtieth, nineteen hundred three, the sum of forty-three thousand three hundred twenty-five dollars.

For improve-
ments.

Purposes for
which used.

SEC. 2. The further sum of eighty-nine thousand one hundred dollars is hereby appropriated by amounts and purposes as follows: Forty-two thousand five hundred dollars for a mining engineering building and equipment for same; thirty-five thousand dollars for a chemistry building and equipment for same; three thousand dollars for additions to the central heating and power plant to serve said buildings; five thousand dollars for a wing to the mechanical engineering building for a blacksmith shop and equipment for same; three thousand dollars for additional equipment for electrical engineering; and six hundred dollars for additional machinery in the iron shop. Moneys may be drawn by the said College

of Mines under the appropriations contained in this section at any time after the first day of July, nineteen hundred one, from time to time and in such amounts, and for such of the several purposes in this section mentioned, as the board of control of said college shall deem best for its interests: *Provided*, That not more than one-half of the aggregate amount of said appropriations shall be drawn for any or all of said purposes during the fiscal year ending June thirtieth, nineteen hundred two: *Provided further*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire appropriation of eighty-nine thousand one hundred dollars available for the purposes stated herein. Proviso.
Further
proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan College of Mines, at such times and in such amounts, as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General, for the purpose of reimbursing the general fund for the expenditures herein provided, shall incorporate in the State tax for the year nineteen hundred one the sum of seventy-seven thousand eight hundred seventy-five dollars, and for the year nineteen hundred two the sum of ninety-seven thousand eight hundred seventy-five dollars. Tax clause.

This act is ordered to take immediate effect.

Approved May 13, 1901.

[No. 118.]

AN ACT to prohibit fishing in Mill lake in the township of Bloomingdale, Van Buren county, and to provide a penalty for the violation of the same.

The People of the State of Michigan enact:

Unlawful to
take fish for
three years.

SECTION 1. That it shall not be lawful to take or kill fish in any manner in the lake known as Mill lake, situate on sections thirteen, fourteen, twenty-three and twenty-four in the township of Bloomingdale, county of Van Buren, for a period of three years from the passage of this act in the months of December, January, February, March and April of each year.

Penalty for
violation.

SEC. 2. Any person or persons offending against any of the provisions of this act shall, upon conviction thereof, before any court of competent jurisdiction, be liable to a fine of not less than five nor more than one hundred dollars and costs of prosecution, or to imprisonment in the county jail not less than five nor more than sixty days, or both such fine and imprisonment at the discretion of the court.

Acts repealed.

SEC. 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Approved May 13, 1901.

[No. 119.]

AN ACT to amend act number one hundred and fifty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to incorporate the Union of the French Canadian Society of the United States," the same being sections seven thousand eight hundred and fifty-five to seven thousand eight hundred and sixty-two inclusive, of compiled laws of eighteen hundred ninety-seven of the State of Michigan, by adding a section thereto to stand as section nine.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number one hundred fifty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to incorporate the Union of the French Canadian Society of the United States," the same being sections seven thousand eight hundred fifty-five to seven thousand eight hundred sixty-two inclusive of the compiled laws of eighteen hundred ninety-seven of the State of Michigan, be amended by adding a new section thereto, to stand as section nine, and to read as follows:

SEC. 9. The principal business office of the Union of the French Canadian Society of the United States shall follow and be located at the place where the secretary thereof shall reside; and immediately after each election of officers of said corporation the secretary elect shall certify, under the corporate seal, his name, residence and location of such principal business office to the Secretary of State. Office of,
where located.

Approved May 16, 1901.

[No. 120.]

AN ACT to authorize the Commissioner of the State Land Office to cause a survey of the islands in the lake situated in section sixteen, township fifty-eight north, range thirty-seven west, in the lakes known as Muskrat lake, and Section Ten lake, situated in township twenty-two north, range eight west, and the lakes known as Crooked lake and Goose lake, situated in township twenty-three north, range eight west to be made, and to provide for the payment of the necessary expenses incurred thereby.

The People of the State of Michigan enact:

SECTION 1. The Commissioner of the State Land Office is hereby authorized and empowered to cause a survey to be made of the islands in the lake situated in section sixteen, township fifty-eight north, range twenty-seven west, in the lakes known as Muskrat lake and Section Ten lake, situated in township twenty-two north, range eight west, and the lakes known as Crooked lake and Goose lake, situated in township twenty-three north, range eight west, and to appoint a competent surveyor to make the same. To cause sur-
vey of certain
lands.

SEC. 2. The services and the expenses of the surveyor appointed to make the survey provided for in section one of this act shall be paid for out of any moneys belonging to the general fund, upon bills rendered to the Commissioner of the State Land Office, approved by him and audited by the Board of State Auditors, on a warrant issued by the Auditor General to the State Treasurer. Compensa-
tion.

Approved May 16, 1901.

[No. 121.]

AN ACT to amend section one of act number forty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to facilitate the disposal and settlement of taxes on vacant or part-paid swamp, school and other lands," approved March twenty-four, eighteen hundred eighty-seven, as amended by act number sixty-nine of the session laws of eighteen hundred eighty-nine, the same being section three thousand nine hundred seventy-eight of compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number forty-five of the public acts of eighteen hundred eighty-seven, entitled "An act to facilitate the disposal and settlement of taxes on vacant or part-paid swamp, school and other lands," approved March twenty-four, eighteen hundred eighty-seven, as amended by act number sixty-nine of the session laws of eighteen hundred eighty-nine, the same being section three thousand nine hundred seventy-eight of compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Township
board may
determine
amount in
extinguish-
ment of cer-
tain taxes.

SECTION 1. That it shall be lawful for the township board of any township or the common council of any city of this State, to make a compromise settlement and determine thereby the sum which the Commissioner of the State Land Office may receive in extinguishment of any delinquent ditch, drain or other taxes charged against any description of vacant or part-paid swamp, school or other State lands sold prior to February fourteenth, eighteen hundred fifty-three, lying in such township or city, which sum when so determined by the township board of such township or common council of such city, and certified to the Commissioner of the State Land Office as to any specific description of such lands, may be paid in lieu of all such ditch, drain or other taxes, interest and charges on the books of said office against such description: *Provided*, That it shall be the duty of the several township boards, before making such adjustment and settlement, to examine each description of land affected thereby, also to ascertain the amount of taxes and charges against said land: *Provided further*, That no such settlement or compromise shall be made unless the person holding the certificates for such lands from the State shall also pay the balance due to the State and take a patent for such lands.

Sum may be
paid in lieu
of such taxes.

Proviso.

Further
proviso.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 122.]

AN ACT to regulate the business of mutual fire insurance companies doing business in the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. The Commissioner of Insurance shall, in ascertaining the gross amount of premiums received or secured, upon which he shall require the payment of a specific tax of three per cent, in the case of mutual fire insurance companies of any other state or foreign government doing business within this State, deduct from the total gross premiums received the amount of cash dividends and return premiums, which the company may have given or returned to the policy holders from whom such gross premiums were received.

Gross
premiums,
how ascer-
tained.

Approved May 16, 1901.

[No. 123.]

AN ACT to provide for the protection of fish in the waters of the South Arm of Pine lake in the township of South Arm, county of Charlevoix, and to regulate the time and manner of taking or catching of fish therein.

The People of the State of Michigan enact:

SECTION 1. It shall not be lawful for any person to attempt to take or catch, by any means whatever, any fish in the South Arm of Pine lake in the township of South Arm, in the county of Charlevoix, within three hundred feet of the mouth of any stream entering into said lake in said township of South Arm, or anywhere in said lake south of a line running east and west three hundred feet north and parallel with the north line of the swing bridge connecting the villages of South Arm and East Jordan, from and including the fifteenth day of November to and including the fifteenth day of April, both inclusive.

Unlawful
to take in
certain waters.

SEC. 2. In all prosecutions under this act it shall be prima facie evidence, on the part of the people, of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lake with spear, net, set lines, hook and line or any other device used in taking or catching fish in said waters.

Evidence of
violation.

SEC. 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars

Penalty.

and costs of prosecution, or by imprisonment in the county jail, not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

Approved May 16, 1901.

[No. 124.]

AN ACT to amend act thirty-seven of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the salary of the State Game and Fish Warden, and for the appointment of a chief deputy fish and game warden, and to prescribe his powers and duties," by adding four new sections thereto, numbered section three, section four, section five and section six.

The People of the State of Michigan enact:

Act amended. SECTION 1. That act thirty-seven of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the salary of the State Game and Fish Warden and for the appointment of a chief deputy game and fish warden, and to prescribe his powers and duties," approved April seventeenth, eighteen hundred ninety-nine, be and the same is hereby amended by adding thereto four new sections to be numbered section three, section four, section five and section six, and to read as follows:

To file bond. SEC. 3. Said State Game and Fish Warden, before entering upon the duties of his office, shall give and file with the Secretary of State, a bond to the people of this State in the penal sum of five thousand dollars, with such sufficient sureties, not less than three in number, or by some sufficient surety or guarantee company, as shall be approved by the State Treasurer, which said bond shall be conditioned as follows:

Form. Whereas, The above bounden..... has been appointed by the Governor of the State of Michigan, State Game and Fish Warden, which said appointment is in writing and bears date the.....day of.....

Now, therefore, the condition of the above obligation is such that if the said.....shall well and faithfully in all things perform and execute the duties of the office of the State Game and Fish Warden of the State of Michigan, during his continuance in office, by virtue of his said appointment, as such State Game and Fish Warden, then the above obligation to be void; otherwise to be and remain in full force.

SEC. 4. The bond above required to be given in section three of this act, shall be construed to cover and provide indemnity for all wrongful acts of the said State Game and Fish Warden, and all deputy game and fish wardens, to be appointed by said State Game and Fish Warden while acting as such officers, in the same manner, and to the same extent, that the bonds of sheriffs of this State are construed by the laws thereof to provide indemnity for the wrongful acts of said sheriff and the under-sheriff and deputy sheriffs appointed by such sheriff. Bond, how construed.

SEC. 5. After this act takes effect it shall be unlawful for any State Game and Fish Warden, chief deputy game and fish warden, to act as such until the bond required by section three of this act shall have been filed and approved, and all acts done by any such officers prior to the filing of such bond, shall be without authority and void. Unlawful to act before filing bond.

SEC. 6. The Secretary of State shall have the right and it shall be his duty any time when he has good reason to believe that any of the sureties on the above mentioned bond are insufficient, to demand a new bond; and upon such demand and notice to said State Game and Fish Warden, such bond shall be filed within twenty days from date of service of notice on him by said Secretary of State to file such new bond, and failing to file such new bond after such notice, all acts of his or his deputies shall be without authority and void. Secretary of State may demand new bond.

Approved May 16, 1901.

[No. 125.]

AN ACT to allow the taking or catching of fish by means of fixed lines in the county of Kalamazoo.

The People of the State of Michigan enact:

SECTION 1. Hereafter it shall be lawful in the months of December, January, February and March, in each year, to take or catch through the ice by the use of single lines, with single hooks attached and fastened to the ice, sometimes called "ice lines," not to exceed four such lines to each person, any and all kinds of fish, except brook trout, rainbow trout, German or brown trout, grayling, land-locked salmon and black bass, in any or all of the inland lakes and streams in the county of Kalamazoo, in this State. Lawful to take certain fish through ice.

Approved May 16, 1901. Certain fish excepted.

[No. 126.]

AN ACT to amend section three of act number two hundred eighty of the public acts of one thousand eight hundred eighty-seven, entitled "An act to protect the owners and keepers of stallions," approved June twenty-eighth, eighteen hundred eighty-seven, being section one thousand six hundred twenty-one c of Howell's annotated statutes and being section ten thousand seven hundred eighty-six of the compiled laws of one thousand eight hundred ninety-seven, as amended by act number sixty-six of the public acts of eighteen hundred ninety-nine, approved May ten, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section three of act number two hundred eighty of the public acts of one thousand eight hundred eighty-seven, entitled "An act to protect the owners and keepers of stallions," approved June twenty-eight, eighteen hundred eighty-seven, being section one thousand six hundred twenty-one c of Howell's annotated statutes, and being section ten thousand seven hundred eighty-six of the compiled laws of eighteen hundred ninety-seven, as amended by act number sixty-six of the public acts of eighteen hundred ninety-nine, approved May ten, eighteen hundred ninety-nine, be and the same is hereby amended so as to read as follows:

How lien
perfected.

SEC. 3. The owner and keeper of a stallion in order to obtain and perfect such lien shall, at any time after the mare is known to be with foal and within the period included between the rendition of such services by any stallion and the time when the colt is three months old, file with the township clerk in the township wherein such dam is owned or kept, the agreement or a true copy of the agreement entered into by the owner or keeper of the dam for such service, together with such description of the dam as to age, color, or other marks, as the person filing such agreement is able to give: *Provided*, That the provisions of this act shall not be effective to create any lien after the birth of any such foal until from and after the date of the filing of such lien.

Proviso.

Approved May 16, 1901.

[No. 127.]

AN ACT authorizing members of the State legislature to administer oaths, take depositions and acknowledgments.

The People of the State of Michigan enact:

SECTION 1. During his term of office, every senator and representative in the State legislature is hereby authorized, by virtue of his office to administer oaths, take depositions and acknowledgments. May administer oaths, etc.

Approved May 16, 1901.

[No. 128.]

AN ACT to amend act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," by incorporating therein a new section to be known as section one hundred forty-three, limiting the time for the commencement of actions questioning the validity of tax titles and tax deeds in certain cases; and to repeal section one hundred forty-three as added to said act by act two hundred twenty-nine of the public acts of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal Act amended.

act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended by incorporating therein a new section to be known as section one hundred forty-three, to read as follows:

Who barred
from question-
ing validity of
tax title.

SEC. 143. Every person personally served with the notice provided for by act number two hundred twenty-nine of the public acts of eighteen hundred ninety-seven, and every person lawfully chargeable with such notice by registered mail, as provided for in said act, together with the heirs, executors, administrators or assigns of such persons, who shall refuse or neglect to pay or tender to the purchaser as aforesaid, the sum provided for in said act within the time therein limited, and who shall have neglected within the said six months to commence suit to set aside the said tax deed, shall thereafter be barred from questioning the validity of such tax title or tax deed mentioned therein.

Section
repealed.

SEC. 2. That section one hundred forty-three as added to said act by act number two hundred twenty-nine of the public acts of eighteen hundred ninety-seven, be and the same is hereby repealed.

Approved May 16, 1901.

[No. 129.]

AN ACT to amend section twenty-eight of act number two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being compiler's section three thousand eight hundred fifty-one of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-eight of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of prop-

erty and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being compiler's section three thousand eight hundred fifty-one of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 28. At the annual township meeting held on the first Monday of April in the year eighteen hundred and ninety-four, there shall be elected by ballot, on the regular township ticket, two tax-paying electors of the township, who shall be owners of land in said township, to serve as members of the board of review, one of whom shall be elected for one year and one for two years, and annually thereafter one member shall be elected for two years, who shall take the constitutional oath of office as other township officers. The supervisor and the two electors so elected shall constitute a board of review for such township. The township board may temporarily fill any vacancy which shall occur in said membership of said board of review, but no member of such township board shall be eligible to fill such vacancy. A majority of said board of review shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and a majority vote of those present shall decide all questions.

Board of
review,
election of.

Who to
constitute.

Vacancy,
how filled.

Quorum, etc.

Approved May 16, 1901.

[No. 130.]

AN ACT to amend section fifty-three of act two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," being section thirty-eight hundred seventy-six, compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section fifty-three of act two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act," being section thirty-eight hundred seventy-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Partial
payments.

SEC. 53. Any person may pay the taxes, or any one of the several taxes on any parcel or description of land, or on any undivided share thereof, and the treasurer shall note across the face of the receipt in ink any portion of the taxes remaining unpaid. He may pay any tax, whether levied on personal or real property, under protest, to the treasurer, specifying at the time in writing, signed by him, the grounds of such protest, and such treasurer shall minute the fact of such protest on the tax roll and in the receipt given. The person paying under such protest may, within thirty days and not afterwards, sue the township for the amount paid, and recover, if the tax is shown to be illegal for the reason shown in such protest. Any person owning an undivided share or other part or parcel of real property assessed in one description may pay on the part thus owned by paying an

May pay under
protest.

Suit to
recover tax
paid.

Payment on
undivided
share.

amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment, and the receipt given and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part or share for non-payment of taxes, he may purchase the same in like manner as any disinterested person could. Any person having a lien on property may, after thirty days from the time the tax is payable, pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. A tenant of real estate may pay the taxes thereon and deduct the same from his rent, unless there be an agreement to the contrary. Such payment may be made to the township treasurer while the tax roll is in his hands, or afterwards to the county treasurer. The receipt given shall be evidence of such payment.

Shares to be described, etc.

Right of holder of lien.

Of tenant.

Evidence of payment.

Approved May 16, 1901.

[No. 131.]

AN ACT to amend section one of act number one hundred eleven of the public acts of the State of Michigan for the year eighteen hundred ninety-nine relative to the catching of bass in Bear lake, in Charlevoix county, at certain times, and to provide a penalty for the violation thereof.

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred eleven of the public acts of the State of Michigan for the year eighteen hundred ninety-nine, entitled "An act to prohibit the catching of bass in Bear lake, in Charlevoix county, at certain times, and to provide a penalty for the violation of this act," be amended so as to read as follows:

Section amended.

SECTION 1. That it shall be unlawful, and is prohibited to take, catch or kill, or attempt to take, catch or kill, in any manner or by any means whatsoever, in the waters of Walloon lake, formerly known as Bear lake, in Charlevoix county, or any waters tributary thereto, any small mouth bass from and after the fifteenth day of October in each year up to and including the thirty-first day of May thereafter: *Provided*, That this act shall not prohibit the catching of other species of fish in said lake, with hook and line only, at any and all seasons.

Unlawful to take certain bass in Walloon lake.

Proviso.

Approved May 16, 1901.

[No. 132.]

AN ACT to permit fishing through the ice with bob lines in Livingston county, State of Michigan.

The People of the State of Michigan enact:

Lawful to fish through ice.

SECTION 1. That it shall be lawful for any citizen of Michigan to fish through the ice with bob lines, in Livingston county, State of Michigan.

Bob lines defined.

SEC. 2. Fishing with bob lines is defined by this act to mean a hole or holes cut through the ice, through which one single line is let into the water, said line being fastened to a cross stick over the hole or otherwise, and each hole or line being separate, distinct and unattached to any other: *Provided*, That it shall not be lawful for any person to use more than ten such lines at any one time.

Proviso.

Acts repealed.

SEC. 3. All acts or parts of acts contravening this act are hereby repealed.

Approved May 16, 1901.

[No. 133.]

AN ACT to provide for the protection of trout in the Au Sable river and its tributaries.

The People of the State of Michigan enact:

Unlawful to take under-sized trout in certain water.

SECTION 1. It shall be unlawful for any person or persons to kill or capture in any manner whatever in any of the waters of the Au Sable river in this State, or in any of the tributaries of said river, any brook trout, speckled trout, rainbow trout or California trout of a less size than eight inches in length.

Number limited.

SEC. 2. It shall be unlawful for any person to kill or capture in said river or any of its tributaries more than fifty fish of any of the kinds hereinbefore mentioned in any one day, or to take with him therefrom or to have in his possession at any point away therefrom, more than fifty fish of said kinds at any one time.

Authority of game and fish wardens.

SEC. 3. The game and fish warden of this State and his deputies shall have authority within their several jurisdictions to open and examine any crate or live well and any box, basket, creel or other package which shall to their knowledge, information or belief, contain any of said kinds of fish taken from said waters.

SEC. 4. Any person who shall be found guilty of a violation of any of the provisions contained in the foregoing act shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars and not more than one hundred dollars and the costs of prosecution, and in default of payment thereof, shall be confined in the county jail until such fine and costs shall be paid, but such confinement shall not exceed thirty days.

Violation a
misdemeanor.
Penalty.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 134.]

AN ACT to regulate the taking and catching of black bass in the lakes known as Indian lake, in Silver Creek township, Cass county, and in Magician lake, in Silver Creek township, in Cass county.

The People of the State of Michigan enact:

SECTION 1. That it shall not be lawful for any person or persons to take or catch any black bass during the months of December, January, February, March, April and May in the lakes known as Indian lake, in Silver Creek township, Cass county, and in Magician lake, in Silver Creek township, in Cass county.

Unlawful to
take black
bass in certain
water.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of twenty-five dollars and costs of suit, or to imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court.

Penalty for
violation.

This act is ordered to take effect May fifteenth, nineteen hundred one.

Approved May 16, 1901.

[No. 135.]

AN ACT to provide for the lawful taking of suckers from the waters in Wall lake, township of Hope, Barry county, Michigan.

The People of the State of Michigan enact:

SECTION 1. That it shall be lawful to take suckers from the waters of Wall lake, in the township of Hope, Barry county, by means of spear or nets, or in any other manner

Lawful to
take suckers.

For improve-
ments.

SEC. 2. The further sum of four thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and two, as a supplemental appropriation to the amount appropriated by section two of act number one hundred sixty-two, public acts of eighteen hundred and ninety-nine, for the purpose of building, completing and furnishing one detached cottage for hospital purposes, including plumbing and heating.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan School for the Blind at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax clause.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred and one the sum of thirty-four thousand seven hundred dollars, and for the year nineteen hundred and two the sum of thirty thousand seven hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 138.]

AN ACT making appropriations for the Central Michigan Normal School at Mt. Pleasant for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation,
for current
expense.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Central Michigan Normal School for the fiscal year ending June thirty, nineteen hundred two, the sum of thirty-five thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of thirty-five thousand dollars.

For improve-
ments.

SEC. 2. The further sum of fifty thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, by purposes and amounts as follows: For the erection and completion of a training school building, including heating, plumbing, lighting and furnishing complete, and for the purchase and improvement of grounds, thirty-two thousand dollars; for the erection and completion of east wing to the main building, including heating, plumbing, light-

thousand dollars: *Provided*, That if the amount designated in sections two and three of this act for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in these sections may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire twenty-two thousand four hundred fifty dollars and the entire fifty-five thousand dollars available for the purposes stated therein: *Provided further*, That the State Board of Education may obtain money under section two of this act before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available. Proviso.
Further
proviso.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan State Normal College at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 5. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of one hundred one thousand nine hundred forty-one dollars and forty cents; and for the year nineteen hundred two the sum of one hundred twenty-four thousand four hundred ninety-one dollars and forty cents, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 137.]

AN ACT making appropriations for the Michigan School for the Blind for the fiscal years ending July [June] thirty, nineteen hundred and two, and June thirty, nineteen hundred and three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the current expenses of the Michigan School for the Blind for the fiscal year ending June thirty, nineteen hundred and two, the sum of thirty thousand seven hundred dollars, and for the fiscal year ending June thirty, nineteen hundred and three, the sum of thirty thousand seven hundred dollars. Appropriation for current expense.

For improve-
ments.

SEC. 2. The further sum of four thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred and two, as a supplemental appropriation to the amount appropriated by section two of act number one hundred sixty-two, public acts of eighteen hundred and ninety-nine, for the purpose of building, completing and furnishing one detached cottage for hospital purposes, including plumbing and heating.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan School for the Blind at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax clause.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred and one the sum of thirty-four thousand seven hundred dollars, and for the year nineteen hundred and two the sum of thirty thousand seven hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 138.]

AN ACT making appropriations for the Central Michigan Normal School at Mt. Pleasant for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation, for current expense.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Central Michigan Normal School for the fiscal year ending June thirty, nineteen hundred two, the sum of thirty-five thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of thirty-five thousand dollars.

For improve-
ments.

SEC. 2. The further sum of fifty thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, by purposes and amounts as follows: For the erection and completion of a training school building, including heating, plumbing, lighting and furnishing complete, and for the purchase and improvement of grounds, thirty-two thousand dollars; for the erection and completion of east wing to the main building, including heating, plumbing, light-

ing and furnishing complete, according to plans and specifications already made for such purpose, eighteen thousand dollars: *Provided*, That the State Board of Education may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available. Proviso.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Board of Education at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of eighty-five thousand dollars, and for the year nineteen hundred two the sum of thirty-five thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 139.]

AN ACT making appropriations for the State Public School for the fiscal years ending June thirtieth, nineteen hundred and two, and June thirtieth, nineteen hundred and three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. There is hereby appropriated for the current expenses of the State Public School for the fiscal year ending June thirtieth, nineteen hundred and two, the sum of thirty-two thousand five hundred dollars, and for the fiscal year ending June thirtieth, nineteen hundred and three, the sum of thirty-two thousand five hundred dollars. Appropriation for current expense.

SEC. 2. The further sum of twenty-one thousand five hundred dollars is hereby appropriated by amounts and purposes as follows: Twelve thousand dollars for a new heating plant in addition to the amount appropriated for that purpose by act number one hundred sixty-three of the public acts of eighteen hundred ninety-nine, this to include two new boilers; four thousand dollars for an electric lighting plant; one thousand five hundred dollars for an addition to the baby cottage; one thousand dollars for shower baths for the children; For improvements.

Proviso.

two thousand five hundred dollars for repairs and improvements on the grounds and buildings; five hundred dollars for furniture for said buildings: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire twenty-one thousand five hundred dollars available for the purposes stated herein: *Provided further*, That the board of control of said school may obtain money under this section before July first, nineteen hundred one, in such amounts as they may, by requisition, certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

Further proviso.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Public School, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax clause.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of fifty-four thousand dollars, and for the year nineteen hundred two the sum of thirty-two thousand five hundred dollars, which when collected shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is ordered to take immediate effect.

Approved May 16, 1901.

[No. 140.]

AN ACT making an appropriation for the use of the State Board of Health for general purposes for the promotion of the public health for the fiscal year ending June thirty, nineteen hundred two, and each fiscal year thereafter, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That the sum of two thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, and each fiscal year thereafter, to meet the expenses incurred by the State Board of Health for the promotion of the public health, including expenses for the publication of leaflets and pamphlets for distribution to the neighbors of premises infected with dangerous communi-

cable diseases. All bills to be paid from this fund shall be approved by the State Board of Health, after which, on certificate of its officers, the Auditor General shall draw his warrants upon the State treasury for the certified amounts so far as they shall appear to the Auditor General to be for lawful purposes, but at no time shall the amount paid under this act be in excess of the annual appropriation therefor: *Provided*, That the State Board of Health may obtain money Proviso. under this section before July first, nineteen hundred one, in such amounts as they represent to the Auditor General are necessary for immediate use which amounts thus advanced shall be deducted from the total amount appropriated for the fiscal year ending June thirty, nineteen hundred two, when the appropriation becomes available.

SEC. 2. The Auditor General shall incorporate in the State tax for the year nineteen hundred one and each year thereafter the sum of two thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved May 17, 1901.

[No. 141.]

AN ACT to amend section one hundred and thirty-one of act number two hundred six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and for the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such tax a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," as amended by acts number two hundred and forty of the public acts of eighteen hundred ninety-seven, and one hundred and seven of the public acts of eighteen hundred ninety-nine, being section three thousand nine hundred fifty-three of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Section one hundred thirty-one of act number two hundred six of the public acts of eighteen hundred ninety- Section amended.

three, being "An act to provide for the assessment of property and for the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such a tax a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening the provisions of this act," as amended by act number two hundred forty of the public acts of eighteen hundred ninety-seven and one hundred seven of the public acts of eighteen hundred ninety-nine, being section three thousand nine hundred fifty-three of the compiled laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

Lands subject to homestead entry.

Certain lands may be withheld.

Who to fix price.

How offered for sale.

Proviso as to regulation of sale.

Proceeds of sale, how accounted for.

When commissioner to issue certificate.

SEC. 131. All such lands shall be held by the Commissioner of the State Land Office subject to entry as homestead lands unless withheld and reserved in the manner following: The Commissioner of the State Land Office and the Auditor General, acting jointly, may reserve and withhold from entry under the homestead right such portion of the lands deeded by the Auditor General to the State under section one hundred twenty-seven of act number two hundred six of the public acts of eighteen hundred ninety-three and acts amendatory thereto as, in their opinion, may not be advantageous to open for homestead, and they may withhold and reserve such land from entry for so long a time as in their opinion will best subserve the interests of the State. The said Land Commissioner and Auditor General shall affix a minimum price upon all lands so reserved and withheld, or which may hereafter be reserved and withheld. All such lands withheld from homestead entry shall be offered for sale by said Land Commissioner at prices to be discretionary with him: *Provided*, That in the sale of these lands so reserved and withheld, the same rules and regulations as provided in act number twenty-one of the public acts of eighteen hundred seventy-three entitled "An act to require the Commissioner of the State Land Office to give public notice of the restoration of reserved and forfeited State lands to market" shall govern, and no bid shall be accepted for less than the minimum price affixed by such Land Commissioner and the Auditor General. The proceeds for any such sale shall be accounted for to the State, county and township in which said lands are situated pro rata according to their several interests therein, arising from the non-payment of taxes thereon as such interest shall appear in the office of the Auditor General. If any person shall apply for any lands subject to entry as homestead, or any part thereof not to exceed in quantity one hundred sixty acres, or if within the limits of the plat of

any city or village, not to exceed the contiguous lands in any one block, or two contiguous parcels of unplatted land, for any one person so applying, and shall file an affidavit that such person desires such lands for actual settlement, for the purpose of a homestead, the Commissioner of the State Land Office shall, if in his judgment the application is made in good faith, issue a certificate to such person for such land upon the payment of the sum of ten cents per acre, conditioned that such persons shall reside upon said lands for the period of five years and improve the same: *Condition.* *Provided,* That *Proviso.* in case such lands are included in the plat of any city or village or of any subdivision of or addition to any city or village, the land that may be taken as a homestead by any person shall be contiguous and shall not exceed one block according to such plat, or two contiguous unplatted parcels, except where such city or village lands have been bid to the State by government description, in which case no person shall receive a certificate for more than one government description, and in the case of any such lands the amount paid therefor shall be the same for any parcel less than one acre as for one acre as provided in this section. At the expiration of such five years such person shall be entitled to make, and shall make, proof of the fulfillment of such contract within three months in such manner as the said Commissioner of the State Land Office may prescribe. And when such proof is made to the satisfaction of said Commissioner of the State Land Office such person shall be entitled to a deed of such land from the State, executed by the Commissioner of the State Land Office, on behalf of the State, which deed shall be in such form as the Commissioner of the State Land Office shall determine; the said deed shall be witnessed and acknowledged, and shall be entitled to record in the office of the register of deeds in the proper county, in the same manner and with like effect as other deeds are duly witnessed, acknowledged and certified. Such deed shall convey an absolute title to the lands sold, and shall be conclusive evidence of title in fee in the grantee, and it shall be the duty of the State of Michigan to defend and prosecute all suits brought to protect such title, and the State shall pay all costs adjudged against the homesteader. Such homestead lands shall be subject to the same rules and regulations now in force as to other homestead lands not inconsistent with the provisions of this act. Persons who have heretofore taken up homestead lands under this section, having made the first payment required by this section, and having resided upon and improved the same since they entered thereupon, are hereby relieved from making any further payments to the State: *When final proof made.* *Entitled to deed.* *How witnessed, filed, etc.* *To be evidence.* *Rules subject to.* *Further proviso.* *Provided further.* *Provided further.* *Further proviso.* *Provided further.*

Actions of
ejectment,
when com-
menced.

Delinquent
taxes to be
paid before
bringing suit.

Money, where
deposited.

When
returned.

State to
prosecute
and defend
suits.
Further
proviso.

person who has purchased and entered into possession of any lands as a homestead, under and by virtue of the provisions of this section, as originally passed, or as amended when said lands had been bid off to the State and were held by the State for the taxes of one or more years, and said lands were delinquent for taxes for three or more years, shall, on performing the other conditions of said section, as amended, receive a deed therefor, as herein provided, and shall be deemed to have a good, sufficient fee-simple title to said premises, to all intents and purposes the same as though said lands had been bid off to the State for a consecutive period of more than three years, as originally provided in section one hundred and twenty-seven of said act. And in all cases where the lands have been taken as a homestead as set forth in last foregoing proviso, all actions of ejectment or to recover possession of said lands or to set aside the title of such homesteader by any person, firm or corporation claiming the original or government title, shall be commenced within six months after this act shall take effect, and not afterwards. Said person, firm or corporation shall before commencing such proceedings pay to the Auditor General all delinquent taxes returned to the Auditor General on the lands in question, together with all interest, costs and charges, and shall purchase and pay for all bids and titles held by the State to such lands by paying therefor the amount bid by the State and all interest and legal charges thereon, as provided in section eighty-four of this act. The money so received by the Auditor General shall be deposited in the State treasury to the credit of the State, county and township wherein said lands are situated in proportion to the amount of taxes due to the State, county and township upon said lands; and in case the State's title to the land shall be declared valid, then the taxes and moneys so paid by the person, firm or corporation instituting such suit of ejectment shall be returned upon the order of the Auditor General, less the costs of such suit. And it shall be the duty of the State of Michigan to prosecute and defend suits and pay costs as herein provided: *And provided further*, That after the said land has been so held by the State of Michigan subject to entry as homestead land, for three years from April one, eighteen hundred ninety-nine, for all land already deeded to the State and for three years or more from the date of the deed for all land hereafter deeded to the State under section one hundred twenty-seven aforesaid, and where no application has been made to homestead certain descriptions of said lands, then and in such case said lands concerning which there has been no application to homestead shall be open to sale and purchase as hereinafter provided. In case written application shall be made to the Commissioner of the State Land Office to purchase any description of said lands so held by the State for more than three years, as herein stated, it shall then be the duty of the

Commissioner of the State Land Office to examine and appraise the value of the land so offered to be purchased as aforesaid. The Commissioner of the State Land Office shall make a record of said appraisement in a book to be kept in his office for that purpose. After such examination and appraisement, if there has been no application to homestead said lands, it shall be competent and the Commissioner of the State Land Office is hereby authorized to sell such description of land to any person so applying for the purchase thereof, but at not less than the appraised valuation, and he shall not be authorized to sell to any one person over two hundred and forty acres of said land. In case of the sale of said lands, the Commissioner of the State Land Office shall execute and deliver to the purchaser a deed in such form as he may determine, which shall convey to the purchaser the same interest as is provided for a deed where said lands have been homesteaded as provided in this section. All moneys received by the Commissioner of the State Land Office upon the sale of said lands as provided under the last above proviso shall by him be deposited in the State treasury to the credit of the State, county and township wherein said lands are situated in proportion to the amount of taxes due to the State, county and township upon the land so sold by the Commissioner of the State Land Office at the time of the conveyance to the State of such lands.

Commissioner to make record of appraisement.

May sell lands.

Conditions.

To execute deed.

Disposition of money.

This act is ordered to take immediate effect.

Approved May 17, 1901.

[No. 142.]

AN ACT to amend sections three, five and eight of chapter one, section ten of chapter eleven of act two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eighth, eighteen hundred eighty-one.

The People of the State of Michigan enact:

SECTION 1. That sections three, five, and eight of chapter one, and section ten of chapter eleven of act number two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, re-

Sections amended.

pairing and preservation of bridges within this State," approved June eighth, eighteen hundred eighty-one, being compiler's section forty-one hundred seventy-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Notice for laying out or altering road, how served.

SEC. 3. In case of an application under the first subdivision of section one of this chapter, the commissioner shall, within five days after receiving the same, issue a written notice, stating the object of such application, and appointing a time and place of hearing, which notice shall be served by the commissioner or by some other competent person, on the owners or occupants of lands through or adjoining which it is proposed to lay out, alter or discontinue such road, either personally or by a copy left at the residence of each owner or occupant, at least ten days before the time of hearing; and if no person shall reside upon any such lands, and the owner thereof shall not reside in the county in which said lands are situated, such notice to owners of such non-resident land shall be served by posting up the same in three public places in the township ten days before the time of hearing. Notice shall be served upon railroad companies by leaving a copy thereof with the agent in charge of any ticket or freight office of the company operating such railroad on the line thereof.

Upon railroad companies.

Commissioner to view premises, etc.

SEC. 5. The commissioner shall, at the time appointed, proceed to view the premises described in the application and notice, and to ascertain and determine the necessity for laying out, altering, or discontinuing a highway pursuant to such application, and to appraise the damage on account thereof, if any is claimed, and he may in his discretion adjourn the hearing from time to time, not to exceed twenty days: *Provided*, That in case a highway shall be laid out parallel to and within one-half mile of any already existing highway, the damages upon any lands taken therefor shall not be estimated at less than the value of such land unless by the assent of the owner of such lands: *And provided further*, That the highway commissioner shall not appropriate a sum of money to exceed one hundred dollars in laying out or improving any highway, or in building or repairing any bridge, without the concurrence of the township board of the township in which such tax is levied.

May adjourn hearing.

Proviso.

Further proviso as to expense.

Who to hear proof, etc.

SEC. 8. The township board shall proceed at the time and place specified in the notice to hear the proof and allegations of the parties, and may examine persons on oath in respect to the matter of such appeal. Such decision shall be reduced to writing and signed by the board making the same, and filed in the office of the township clerk, and together with all other papers relating to such appeal shall be recorded as part of the record of the road. No commissioner from whose determination an appeal has been taken, and who may be a member of the township board, shall act on such appeal.

Decision to be in writing, where filed.

Commissioner not to act on appeal.

Any party conceiving himself aggrieved in the determination of the township boards under the provisions of this act as to the value of his property when the amount involved exceeds the sum of two hundred dollars, may appeal therefrom to the circuit court for the county in which said land is situated, and a return may be compelled and the same proceedings shall be thereupon had, as near as may be, with a like effect as in cases of appeal from judgments rendered before justices of the peace, and the costs thereon awarded and collected in the circuit court in the same manner: *Provided*, That no costs shall be awarded against the township or township board; and on perfecting said appeal the proceedings from which said appeal is taken shall be stayed and no further steps therein shall be taken until the determination or dismissal of said appeal; and the said circuit court shall also have full power and jurisdiction over said proceedings to hear and determine the same and render judgment therein, as if the said proceedings had been originally commenced before the said circuit court. And either party to said proceedings on said appeal shall be entitled to have the issue in such proceedings tried by a jury, as in ordinary suits in said court. The duties prescribed to justices of the peace in cases of appeal from judgments rendered before justices of the peace shall in cases of appeal under this act devolve upon and be performed by the township clerk.

May appeal to circuit court.

Proviso.

Parties entitled to jury.

When justices' duties performed by township clerk.

SEC. 10. If any overseer shall be employed more days in executing the several duties enjoined upon him by this act than he is assessed to work on the highways, he shall be paid for the excess at the rate of one dollar per day, such excess in no case to exceed five days, and be allowed to retain the same out of any moneys that may come into his hands for delinquencies or commutations, or shall be paid out of the road and bridge fund in his district.

Additional compensation for overseer.

This act is ordered to take immediate effect.

Approved May 21, 1901.

[No. 143.]

AN ACT to provide for the consolidation of street and electric railway companies organized under the laws of Michigan with like companies organized in adjoining states whose lines of road, constructed or in process of construction, form or will form a continuous or connecting line.

The People of the State of Michigan enact:

SECTION 1. Any street or electric railway company in this State whose line of road, constructed or being constructed, forms or will form a continuous or connecting line with that

May consolidate.

Proviso as to competing lines.

Directors may enter into agreement.

What to prescribe.

When deemed agreement of corporations.

Notice of meeting for ratification, how given.

Proviso as to signing agreement.

Copy of ratification and vote where filed.

To be presumptive evidence.

Rights, powers, etc.

of any other company or companies within, without or partly within and partly without this State, may consolidate with such other company or companies: *Provided*, That no such consolidation shall be made between companies owning competing lines. The directors of said two or more corporations may enter into an agreement for the consolidation of such corporations, prescribing the terms and conditions thereof; the mode of carrying same into effect; the name of the new corporation; the number of directors thereof, and the names of those who shall be the first directors, which number shall not be less than three nor more than thirteen, and who shall hold until the first election; the time and place of holding the first election of the consolidated company, which time shall not exceed six months after such consolidation; the number of shares of capital stock in such new company; the amount of each share; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation; and such other details as may be deemed necessary to perfect such consolidation or authorize or limit its bonded indebtedness. Such agreement shall not be deemed to be the agreement of such two or more corporations until it shall have been ratified by a majority in interest of the stockholders in each of said companies, at separate stockholders' meetings of such companies, to be called, upon a notice published at least once each week for two successive weeks, in some newspaper published in each county in this State through which said road runs, the first publication to be at least twenty days before the time specified for said meeting, said notice to be signed by the secretaries of each of said companies proposing to consolidate, and shall state the object and purpose of such meeting: *Provided however*, That if all the stockholders of said company or companies organized under the laws of this State shall sign and acknowledge said agreement, no meeting and no advertising shall be necessary in this State. Upon such ratification of the agreement the same shall be deemed to be the agreement of the said two or more corporations, and the same, together with a copy of the vote of ratification by the non-resident company, as shown by its record of such vote, certified to be such copy by its president and secretary, shall be filed in the office of the Secretary of State, and thereupon said consolidation shall be deemed complete. Any copy of such agreement and copy of proceedings so filed, certified by the Secretary of State to be such copy, shall in all courts and places be presumptive evidence of the consolidation of said companies and of all the facts therein stated. Such consolidated company shall have all the powers, rights and privileges possessed by said company or companies organized under the laws of this State, and shall be subject to all restrictions and perform all the duties imposed upon it by law.

This act is ordered to take immediate effect.

Approved May 21, 1901.

[No. 144.]

AN ACT to provide for the establishment and maintenance of rural high schools.

The People of the State of Michigan enact:

SECTION 1. The township board of any township, not having within its limits an incorporated village or city, upon the petition of not less than one-third of the taxpayers of such township for the establishment of a rural high school, shall submit such question to a vote of the qualified electors of said township at a special election called for that purpose within sixty days from date of receipt of said petition.

When question submitted to electors.

SEC. 2. All elections ordered by any township board in pursuance of section one of this act shall be held at the usual place or places of holding township elections, and notice shall be given and the election conducted in all respects as provided by law for the election of township officers and the ballots shall have printed thereon, "For rural high school—Yes." "For rural high school—No."

Election, where held etc.

Form of ballots.

SEC. 3. If more votes are cast in favor of such high school than against it at such election, the qualified electors of said township shall elect at their next annual election of township officers a board of trustees of three members, one for one year, one for two years and one for three years, and on the expiration of their terms of office and regularly thereafter their several successors shall be elected in like manner for a term of three years each. The township clerk shall be ex officio member and the clerk of the board, and the township treasurer shall be ex officio member and treasurer of the board with the same power as other members of the board.

Board of trustees, when and by whom elected.

Term of office.

SEC. 4. Said board of trustees shall meet on the third Monday in April of each year and organize by electing one of the trustees as president. Regular meetings of the board shall be held on the second Mondays of May, August, November, and February in each year. Special meetings may be called upon five days' notice by the president or secretary. The board shall have power

Meetings, where held.

Powers of board.

- (a) To supervise and visit the school;
- (b) To admit all children of the township above the eighth grade and to admit and provide rates of tuition for non-resident pupils if they so elect;
- (c) To select and adopt text books;
- (d) To appoint legally qualified teachers;
- (e) To fix wages, make general rules and regulations for the control of the school, suspend or expel pupils, fix the time of school which will not be more than ten months nor less than seven in any one year;
- (f) To rent or to purchase and hold real estate for such township high school, build and furnish school houses, de-

Visit school, etc.

Admit pupils, etc.

Adopt books.

Appoint teachers.

Fix wages, rules, etc.

Purchase real estate, etc.

Principles.	<p>Third. The fundamental principles of the proposed organization which shall in all cases be in conformity to the faith and constitution or form of government as adopted by the synod of the Christian Reformed church of America in the year A. D. eighteen hundred ninety-six, and any amendments or additions thereto as shall have been adopted and may hereafter be adopted by the synod of said church;</p>
Period for which incorporated.	<p>Fourth. The period for which such corporation is incorporated not exceeding thirty years.</p>
Who to become member.	<p>SEC. 3. Any person elected to the office of pastor, elder or deacon according to the constitution and usages of the Christian Reformed churches of America in any particular church, and the pastor, if there be one, shall become and be a member of the corporation of that church, and corporate functions of all offices shall cease on the vacation of the ecclesiastical office, but a vacancy in the office of the pastor shall in no degree affect such corporation.</p>
Trustees to have seal, make rules, etc.	<p>SEC. 4. Such trustees may have a common seal and alter the same at pleasure, and shall take into their possession and custody all the temporalities of the church, and make rules and regulations for the management thereof, whether the same shall consist of real or personal estate, and whether the same has been given, granted, bequeathed or devised directly or indirectly to such church, or to any person for their use.</p>
May hold property, etc., in corporate name.	<p>SEC. 5. Such corporation may also in their own corporate name sue and be sued in all courts and places, and may in its corporate name recover and hold all debts, demands, rights and privileges, churches, buildings and parsonages and all the estate and appurtenances belonging to such church in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said corporation, and they may hold the moneys and personal estate raised or acquired for the purpose of erecting churches, parsonages and other buildings and may hold such an amount of real estate as it shall be reasonably necessary for church, lecture or school room and for dwellings for their ministers. Such trustees may also receive bequests or gifts of money for investment upon bond or mortgage, when the interest of such investment is to be used by such trustees for the lawful purposes of such church and may receive gifts or devises of real estate for like purpose; but all such real estate so received, except that used for church buildings, site, school or lecture rooms and parsonages, shall be sold within ten years from the time it becomes the property of such church and the proceeds derived from such sale shall be invested or used in like manner as if the original gift or devise had been in money.</p>
Trustees may receive bequests, etc.	
When sold.	
May sell, mortgage, etc., real estate.	<p>SEC. 6. Said trustees shall also have power and authority to bargain, sell, convey, mortgage, lease or release any real estate belonging to said church or held by them as</p>

such trustees, and to erect churches, parsonages, school houses and other buildings for the direct and legitimate use of such church and to alter and repair the same, and to fix the salaries of their ministers: *Provided*, That no such purchase, sale or conveyance, mortgage, lease or fixing of salaries shall be made unless the vote of at least two-thirds of the members of the church organization of which said trustees are officers, shall be first obtained at a meeting of such members of said church or congregation present, and entitled to vote at any meeting of the members of such church or congregation duly and especially called for that purpose, by notice given for two successive Sabbaths at the usual place of meeting next preceding such meeting: *Provided further*, That no sale, mortgaging or conveyance shall be made of any gift, grant or donation, conveyance, devise or bequest which would be inconsistent with the express terms or plain intent of the grant, donation, gift, conveyance, devise or bequest.

Proviso.

Further proviso.

SEC. 7. At any time after such corporation shall have been duly organized, it shall be lawful for such trustees, at any meeting thereof by a vote of two-thirds of the trustees to amend its articles of association in any manner not inconsistent with the provision of this act: *Provided*, That before such amendments shall be operative a vote in favor thereof, of at least two-thirds of the members of such church organization, present and entitled to vote shall be obtained by such trustees at a meeting of the members of said church specially called for that purpose, and of which notice has first been given as provided in section six of this act, and after such vote of said church organization in favor of such amendment, then a copy thereof shall be filed in the office of the Secretary of State and the register of deeds in accordance with the provision of section one of this act. Such copies of the amended articles of association shall be certified by the chairman and secretary of such meeting.

May amend articles.

Proviso as to vote.

SEC. 8. The minister, elders and deacons of any church of the Christian Reformed church of Michigan, the trustees of which have been incorporated under any law of this State, may elect to become incorporated and take corporate powers under this act: *Provided*, That the consent of two-thirds of all the members of such church organization present at a public meeting must first be obtained therefor, of which meeting due notice of the time, place and object thereof, shall be given in manner prescribed in the act under which such corporation is organized or incorporated, or in accordance with notice of meeting given in section six of this act; if such consent shall be obtained, a certificate shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be filed in accordance with section one of this act; and on compliance with the provisions of this act providing for the reincorporation of

Who may incorporate under this act.

Proviso.

date the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," be amended so as to read as follows:

District board
to hire
teachers.
Contracts,
how signed.
What to
specify.

SEC. 13. The district board shall hire and contract with such duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the board in behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, grading and the age of each, attending the school, and the number of days each pupil is present, the aggregate attendance, average daily attendance and percentage of attendance, and to furnish the director with a correct copy of the same at the close of school. Said contract shall be filed with the director and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach shall be valid, and all such contracts shall terminate if the certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.

Where filed.

When invalid.

School month,
what to con-
sist.

Duties of
board re-
garding school
house, etc.

SEC. 14. The district board shall provide a water supply for pupils, have the care and custody of the school house and other property of the district, except so far as the same shall by vote of the district be especially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school house for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

Proviso.

Approved May 22, 1901.

[No. 147.]

AN ACT to provide for the recording of bonds and other securities by the county clerk in civil cases.

The People of the State of Michigan enact:

Clerk to
record.

SECTION 1. That it shall be the duty of the county clerk in all cases where bonds or other obligations are filed in any civil case, either on the law or chancery side of the court,

to record such bond or other obligation in a book in the office of such clerk to be kept for such purpose.

SEC. 2. The clerk shall receive the same fees, per folio, ^{Fees.} for recording such bonds or other obligations as provided by law for recording other papers.

SEC. 3. The original record of such bond or other obligation so entered by the clerk, or a certified copy thereof, shall be evidence in all courts the same as the original bond would be if produced: ^{What to be evidence.} *Provided*, That this act shall not be in force ^{Proviso.} in any county of this State unless the board of supervisors in their respective county shall deem the recording of bonds necessary, as provided for in section one of this act, and that the said board of supervisors shall so declare by resolution.

Approved May 22, 1901.

[No. 148.]

AN ACT to provide for the incorporation of Christian Reformed churches of America.

The People of the State of Michigan enact:

SECTION 1. That the minister or ministers, elders, and deacons, and if during any time there shall be no minister, then the elders and deacons during such time of every Christian Reformed church now existing or hereafter to be organized in this State, and elected according to the constitution and usages of such church within this State, shall be the trustees of every such church or congregation, and it shall be lawful for such trustees if not already incorporated, to assemble together as they shall deem it convenient, and execute under their hands and seals, articles of association, in writing, in triplicate, and acknowledge the same before some officer authorized by law to take acknowledgment of deeds. ^{Who to be trustees.} ^{May incorporate.}

One of such triplicate copies shall be retained by such corporation; one copy shall be filed in the office of the register of deeds of the county where such corporation is formed; and one copy thereof shall be filed in the office of the Secretary of State, and such trustees and their successors in office shall thereupon by virtue of such articles and this act be a body corporate by the name or title expressed in such articles of association. ^{Articles, where filed.}

SEC. 2. The said articles shall contain:

First. The name of the proposed corporation;

Second. The city, village or township in which the same is located; ^{What to contain. Name. Location.}

Principles.	<p>Third. The fundamental principles of the proposed organization which shall in all cases be in conformity to the faith and constitution or form of government as adopted by the synod of the Christian Reformed church of America in the year A. D. eighteen hundred ninety-six, and any amendments or additions thereto as shall have been adopted and may hereafter be adopted by the synod of said church;</p>
Period for which incorporated.	<p>Fourth. The period for which such corporation is incorporated not exceeding thirty years.</p>
Who to become member.	<p>SEC. 3. Any person elected to the office of pastor, elder or deacon according to the constitution and usages of the Christian Reformed churches of America in any particular church, and the pastor, if there be one, shall become and be a member of the corporation of that church, and corporate functions of all offices shall cease on the vacation of the ecclesiastical office, but a vacancy in the office of the pastor shall in no degree affect such corporation.</p>
Trustees to have seal, make rules, etc.	<p>SEC. 4. Such trustees may have a common seal and alter the same at pleasure, and shall take into their possession and custody all the temporalities of the church, and make rules and regulations for the management thereof, whether the same shall consist of real or personal estate, and whether the same has been given, granted, bequeathed or devised directly or indirectly to such church, or to any person for their use.</p>
May hold property, etc., in corporate name.	<p>SEC. 5. Such corporation may also in their own corporate name sue and be sued in all courts and places, and may in its corporate name recover and hold all debts, demands, rights and privileges, churches, buildings and parsonages and all the estate and appurtenances belonging to such church in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said corporation, and they may hold the moneys and personal estate raised or acquired for the purpose of erecting churches, parsonages and other buildings and may hold such an amount of real estate as it shall be reasonably necessary for church, lecture or school room and for dwellings for their ministers. Such trustees may also receive bequests or gifts of money for investment upon bond or mortgage, when the interest of such investment is to be used by such trustees for the lawful purposes of such church and may receive gifts or devises of real estate for like purpose; but all such real estate so received, except that used for church buildings, site, school or lecture rooms and parsonages, shall be sold within ten years from the time it becomes the property of such church and the proceeds derived from such sale shall be invested or used in like manner as if the original gift or devise had been in money.</p>
Trustees may receive bequests, etc.	
When sold.	
May sell, mortgage, etc., real estate.	<p>SEC. 6. Said trustees shall also have power and authority to bargain, sell, convey, mortgage, lease or release any real estate belonging to said church or held by them as</p>

such trustees, and to erect churches, parsonages, school houses and other buildings for the direct and legitimate use of such church and to alter and repair the same, and to fix the salaries of their ministers: *Provided*, That no such purchase, sale or conveyance, mortgage, lease or fixing of salaries shall be made unless the vote of at least two-thirds of the members of the church organization of which said trustees are officers, shall be first obtained at a meeting of such members of said church or congregation present, and entitled to vote at any meeting of the members of such church or congregation duly and especially called for that purpose, by notice given for two successive Sabbaths at the usual place of meeting next preceding such meeting: *Provided further*, That no sale, mortgaging or conveyance shall be made of any gift, grant or donation, conveyance, devise or bequest which would be inconsistent with the express terms or plain intent of the grant, donation, gift, conveyance, devise or bequest.

Proviso.

Further proviso.

SEC. 7. At any time after such corporation shall have been duly organized, it shall be lawful for such trustees, at any meeting thereof by a vote of two-thirds of the trustees to amend its articles of association in any manner not inconsistent with the provision of this act: *Provided*, That before such amendments shall be operative a vote in favor thereof, of at least two-thirds of the members of such church organization, present and entitled to vote shall be obtained by such trustees at a meeting of the members of said church specially called for that purpose, and of which notice has first been given as provided in section six of this act, and after such vote of said church organization in favor of such amendment, then a copy thereof shall be filed in the office of the Secretary of State and the register of deeds in accordance with the provision of section one of this act. Such copies of the amended articles of association shall be certified by the chairman and secretary of such meeting.

May amend articles.

Proviso as to vote.

SEC. 8. The minister, elders and deacons of any church of the Christian Reformed church of Michigan, the trustees of which have been incorporated under any law of this State, may elect to become incorporated and take corporate powers under this act: *Provided*, That the consent of two-thirds of all the members of such church organization present at a public meeting must first be obtained therefor, of which meeting due notice of the time, place and object thereof, shall be given in manner prescribed in the act under which such corporation is organized or incorporated, or in accordance with notice of meeting given in section six of this act; if such consent shall be obtained, a certificate shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be filed in accordance with section one of this act; and on compliance with the provisions of this act providing for the reincorporation of

Who may incorporate under this act.

Proviso.

such church congregation or society, all the property powers, duties, trusts and obligations of every kind possessed or pertaining to the original corporation shall be transferred to and become vested in the minister, elders and deacons of such church organization as trustees of such church and as a corporation organized for the same church under this act.

When certain other churches may incorporate under this act.

Proviso.

Reincorporated churches to succeed former corporation.

SEC. 9. The trustees of every church organization that have heretofore been incorporated by virtue of the provisions of chapter one hundred seventy-six of volume one of Howell's annotated statutes of the State of Michigan and amendments thereto providing for the incorporation of Holland Christian Reformed churches may become reincorporated under the provisions of this act: *Provided*, That a vote of not less than a majority of the members of any such church or congregation present, and entitled to vote at any meeting of such church organization duly and specially called for that purpose, by notice given two successive Sabbaths at the usual place of meeting, next preceding such meeting, shall have been obtained therefor, if such church organization shall by a majority vote of the members thereof present at said meeting and entitled to vote, elect to become reincorporated under this act, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and be filed in accordance with the requirements of section one of this act whereupon the trustees of such reincorporated church or congregation shall become a corporation and be governed by the provisions of this act the same as if they had originally incorporated thereunder, and all such corporations reincorporated under and made subject to the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, credits, and effects, and all the records, files, books and papers belonging to such corporation as formerly incorporated, and no rights or liabilities, either in favor or against such former corporation existing at the time of this reincorporation under the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed debts and liabilities of the new corporation, and all the officers of any such corporation elected or appointed under the provisions of the former act of incorporation, and in office at the time of such reincorporation under this act, shall continue to exercise the functions under the provisions of this act of reincorporation for the full term which they were elected or appointed and until their successors shall have qualified and entered upon the duties of their offices.

Approved May 22, 1901.

[No. 149.]

AN ACT to amend section seven of act number two hundred sixty-eight of the public acts of eighteen hundred ninety-seven, approved June second, eighteen hundred ninety-seven, entitled "An act to regulate the use of firearms in hunting for and killing deer protected by the laws of this State and providing a penalty for its violation," the same being section five thousand seven hundred ninety-eight, of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seven of act number two hundred sixty-eight of the public acts of eighteen hundred ninety-seven, entitled "An act to regulate the use of firearms in hunting for and killing deer protected by the laws of this State and providing a penalty for its violation," the same being section five thousand seven hundred ninety-eight of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 7. The licenses for residents and non-residents shall be printed by the Secretary of State on the best tag board with coupons properly eyeletted, so different in color as to be easily distinguished, and the resident and non-resident shall be numbered consecutively. The resident licenses shall be bound in book form of not less than fifty in each book and the non-resident licenses in not less than five in each book. The Secretary of State shall also prepare and print blank affidavits for resident and non-resident hunters' license, and shall bind such affidavits in book form, the non-resident five and the resident not less than fifty in each book, which affidavits shall be numbered consecutively and corresponding in number and color with the licenses. The Secretary of State shall deliver to the clerk of each county as soon as this act goes into effect and at least ten days before the first day of September of each year thereafter fifty resident and five non-resident licenses and fifty resident and five non-resident affidavits, and as many more as may be required, and shall charge said clerk with the number so issued to him. On the fifteenth day of December of each year and within ten days thereafter, each county clerk shall return to the Secretary of State all unused licenses and affidavits and used and unused stubs of licenses issued, with a report of the number of resident and non-resident licenses issued, amount of money received, amount retained by him and the amount paid over to the county treasurer of his county for resident and non-resident licenses issued.

This act is ordered to take immediate effect.

Approved May 22, 1901.

Section amended.

Licenses, how printed and numbered.

How bound.

Blank affidavits, how bound and numbered.

Number delivered to county clerks.

Return unused licenses, etc.

Report of money received.

[No. 150.]

AN ACT to amend section one of act number eighty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to provide for appropriation of money to pay the salary of the Attorney General, clerks and certain expenses in such department, and to provide the manner and condition of payment, and to repeal all acts and parts of acts contravening the provisions of this act," as amended.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number eighty-seven of the public acts of eighteen hundred ninety-one, entitled "An act to provide for appropriation of money to pay the salary of the Attorney General, clerks and certain expenses in such department, and to provide the manner and condition of payment, and to repeal all acts and parts of acts contravening the provisions of this act," as amended by act number one hundred twenty-seven of the public acts of eighteen hundred ninety-three, be and the same is hereby amended to read as follows:

Appropriation for clerks,
etc.

SECTION 1. That there be and the same is hereby appropriated out of the moneys in the treasury to the credit of the general fund not otherwise appropriated, the following sums, for the salary of the Attorney General, clerks in his office and for certain expenses in his department for the year nineteen hundred one, and each year thereafter; for the salary of the Attorney General, such sum as is designated in the constitution of the State, to be paid pro rata monthly; for the salaries of clerks, six thousand dollars, to be paid pro rata monthly; any sum not used to be disposed of at the end of the year as provided in section three of this act; for the necessary expenses of the Attorney General and to pay extra help and expenses, if any are necessary, such further sum as the Board of State Auditors may allow.

This act is ordered to take immediate effect.

Approved May 22, 1901.

[No. 151.]

AN ACT to amend section seventeen hundred fifty-five of chapter fifty-eight of the compiled laws of eighteen hundred fifty-seven, as subsequently amended by act number thirty-two of the public acts of eighteen hundred seventy-one, as amended by act number eighty of the public acts of eighteen hundred eighty-one, as amended by act number one hundred thirty-two of the public acts of eighteen hundred ninety-three, the same being section eight thousand two hundred sixty-eight of chapter two hundred twenty-two of the compiled laws of eighteen hundred ninety-seven, and being an act entitled "An act for the incorporation of charitable societies."

The People of the State of Michigan enact:

SECTION 1. That section seventeen hundred fifty-five of chapter fifty-eight of the compiled laws of eighteen hundred fifty-seven, as subsequently amended by act number thirty-two of the public acts of eighteen hundred seventy-one, as amended by act number eighty of the public acts of eighteen hundred eighty-one, as amended by act number one hundred thirty-two of the public acts of eighteen hundred ninety-three, the same being section eight thousand two hundred sixty-eight of chapter two hundred twenty-two of the compiled laws of eighteen hundred ninety-seven, and being an act entitled "An act for the incorporation of charitable societies," be and the same is hereby amended so as to read as follows:

SEC. 5. All funds received by any such corporation shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, for the exclusive purpose or purposes set forth in the articles of association, and no portion of the funds of such corporation shall be used or contributed towards the erection, completion or furnishing of any building not owned or used by such corporation for the exclusive purpose or purposes set forth in its articles of association. Such corporation may take by gift, purchase or devise, property to an amount not exceeding two hundred thousand dollars: *Provided*, That if any such corporation organized under this act has founded and maintained, or shall found and maintain, a hospital or other charitable asylum, within this State, for the care or relief of indigent, destitute, crippled or sick persons, then such corporation may by gift, grant, devise or bequest, take, receive and hold any property, real or personal, but only for the purposes for which it is incorporated, with like powers and limitations as to amount and value as in case of incorporations for hospitals or asylums under chapter two hundred and twenty-four of the compiled laws of one thousand eight hundred and ninety-seven, and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, or any city, county, state or

Section
amended.

Funds
received by
corporation,
how disposed
of.

May take
property by
gift, etc.
Proviso.

Proviso as to securities in which funds shall be invested.

United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which the funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

This act is ordered to take immediate effect.

Approved May 22, 1901.

[No. 152.]

AN ACT to provide for the protection of fish in the lakes known as Whitefish lake and Little Whitefish lake, in the township of Pierson, county of Montcalm and State of Michigan.

The People of the State of Michigan enact:

Unlawful to take with nets, etc.

SECTION 1. That it shall be unlawful to take, catch, kill or destroy fish with seines or any species of continuous net, or with any form of spear or trap or in any manner whatsoever, except with hook and line, in the waters of said Whitefish lake and Little Whitefish lake, in the township of Pierson, Montcalm county, Michigan, and that it shall be unlawful to employ the use of fishing shanties or tents of any kind whatsoever for fishing through the ice on said lakes.

Unlawful to use shanties, etc., on ice.

Penalty for violation.

SEC. 2. Any person violating any of the provisions of section one of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars or imprisonment in the county jail for a period of not exceeding ninety days or by both such fine and imprisonment in the discretion of the court.

Approved May 22, 1901.

[No. 153.]

AN ACT to amend section seven of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management and to fix the duties and liabilities of all railroad and other corporations owning and operating any railroad in this State," as amended by act number two hundred sixty-six, session laws of one thousand eight hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. Section seven of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning and operating any railroad in this State," as amended by act number two hundred sixty-six, session laws of one thousand eight hundred ninety-nine, be amended so as to read as follows:

Section amended.

SEC. 7. Every such company proceeding to construct a part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the points selected for crossing any other railroad, which shall be certified by the president and secretary of such company under its corporate seal and approved by a board consisting of the Commissioner of Railroads, Attorney General and Secretary of State and filed in the office of the register of deeds of such county. If such route cross the road of any other railroad company said board shall give at least ten days' notice to the general manager or general superintendent of such other company, when and where said board will consider the question of approving such map, and shall permit such other company, if it so desires, to be heard in opposition to such approval, and at the time of approving said map said board may determine the place where and the manner in which said crossing shall be made, whether at grade or otherwise, and if at grade, what safeguards shall be provided by the company desiring to make such crossing to protect against accidents thereat. The said board shall approve such map within thirty days from the time it is presented to it by said company, or within the said thirty days shall file in the office of the Commissioner of Railroads written reasons for the disapproval of said map, or any part thereof, and serve a copy of said reasons upon said company. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully com-

To make map of proposed route.

How certified and approved.

Procedure when crossing other routes.

Board to approve map within thirty days.

Route may be changed.

Proviso as to securities in which funds shall be invested.

United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which the funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

This act is ordered to take immediate effect.

Approved May 22, 1901.

[No. 152.]

AN ACT to provide for the protection of fish in the lakes known as Whitefish lake and Little Whitefish lake, in the township of Pierson, county of Montcalm and State of Michigan.

The People of the State of Michigan enact:

Unlawful to take with nets, etc.

SECTION 1. That it shall be unlawful to take, catch, kill or destroy fish with seines or any species of continuous net, or with any form of spear or trap or in any manner whatsoever, except with hook and line, in the waters of said Whitefish lake and Little Whitefish lake, in the township of Pierson, Montcalm county, Michigan, and that it shall be unlawful to employ the use of fishing shanties or tents of any kind whatsoever for fishing through the ice on said lakes.

Unlawful to use shanties, etc., on ice.

Penalty for violation.

SEC. 2. Any person violating any of the provisions of section one of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars or imprisonment in the county jail for a period of not exceeding ninety days or by both such fine and imprisonment in the discretion of the court.

Approved May 22, 1901.

[No. 153.]

AN ACT to amend section seven of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management and to fix the duties and liabilities of all railroad and other corporations owning and operating any railroad in this State," as amended by act number two hundred sixty-six, session laws of one thousand eight hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. Section seven of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning and operating any railroad in this State," as amended by act number two hundred sixty-six, session laws of one thousand eight hundred ninety-nine, be amended so as to read as follows:

SEC. 7. Every such company proceeding to construct a part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the points selected for crossing any other railroad, which shall be certified by the president and secretary of such company under its corporate seal and approved by a board consisting of the Commissioner of Railroads, Attorney General and Secretary of State and filed in the office of the register of deeds of such county. If such route cross the road of any other railroad company said board shall give at least ten days' notice to the general manager or general superintendent of such other company, when and where said board will consider the question of approving such map, and shall permit such other company, if it so desires, to be heard in opposition to such approval, and at the time of approving said map said board may determine the place where and the manner in which said crossing shall be made, whether at grade or otherwise, and if at grade, what safeguards shall be provided by the company desiring to make such crossing to protect against accidents thereat. The said board shall approve such map within thirty days from the time it is presented to it by said company, or within the said thirty days shall file in the office of the Commissioner of Railroads written reasons for the disapproval of said map, or any part thereof, and serve a copy of said reasons upon said company. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully com-

Section amended.

To make map of proposed route.

How certified and approved.

Procedure when crossing other routes.

Board to approve map within thirty days.

Route may be changed.

Proviso. pleted its road thereon: *Provided*, That any such change shall be approved by said board, and a new map showing the new route adopted shall be made, certified, approved and filed as aforesaid: *And provided further*, That two members of said board, of which the Commissioner of Railroads shall be one, shall constitute a quorum for the transaction of business: *And provided further*, That the Secretary of State and Attorney General, when serving as members of said board or board of consolidation, as provided for by this act, shall receive five dollars per day and expenses incurred while actually engaged in such services, and said board shall also be authorized to employ a clerk, who shall receive for his services five dollars per day and expenses, all such services of said board and clerk to be paid for by the railroad companies interested therein: *And provided further*, That a map shall not be necessary as a basis for condemnation proceedings affecting the property sought to be obtained for railroad purposes, and situated adjacent to the main line of the petitioner's railroad.

Further proviso.

Further proviso.

Further proviso.

Approved May 22, 1901.

[No. 154.]

AN ACT to provide for the incorporation of companies for the carrying on of any lawful business.

The People of the State of Michigan enact:

Corporations may be formed.

SECTION 1. When no other provision of statute is expressly applicable, corporations may be formed under this act for the purpose of carrying on any lawful business.

Number that may incorporate.
To acknowledge articles, where filed.

SEC. 2. Any number of persons, not less than three, desiring to become incorporated under the provisions of this act, shall adopt, sign and acknowledge articles of association, and cause the same to be recorded in the same manner as provided in case of manufacturing and mercantile corporations, under act two hundred thirty-two, public acts of eighteen hundred eighty-five, as amended, and such articles of association shall state the same matters required to be stated in articles of association of manufacturing and mercantile corporations.

Capital stock.

SEC. 3. The capital stock of such corporations shall not be less than one thousand dollars, and shall be divided into shares of ten dollars each.

To file annual report.

SEC. 4. Such corporations shall file an annual report as required by section twelve of said act two hundred thirty-two of

the public acts of eighteen hundred eighty-five, and shall in all respects not otherwise expressly provided be subject to the general provisions of said act.

This act is ordered to take immediate effect.

Approved May 22, 1901.

[No. 155.]

AN ACT to amend act one hundred and ninety-four, of the general laws of eighteen hundred eighty-nine, entitled "An act to revise and consolidate the laws relative to the State Board of Education," approved June twenty-seven, eighteen hundred eighty-nine, by adding a new section thereto, to be known as section eighteen, and as compiler's section eighteen hundred twenty-eight a.

The People of the State of Michigan enact:

SECTION 1. That act one hundred ninety-four of the general laws of eighteen hundred eighty-nine, entitled "An act to revise and consolidate the laws relative to the State Board of Education," approved June twenty-seven, eighteen hundred eighty-nine, be amended by adding a new section to be known as section eighteen, and as compiler's section eighteen hundred twenty-eight a, to read as follows: Act amended.

SEC. 18. Any person holding a certificate issued or approved by the authority of the State Board of Education, desiring to teach in any school under the jurisdiction of a county commissioner of schools shall file the said certificate, or a copy of the same, in the office of the commissioner of schools in the county in which he or she desires to teach. When certificate to be filed with commissioner.

Approved May 22, 1901.

[No. 156.]

AN ACT to amend section eleven of chapter seven of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," the same being section three thousand thirty-three of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section eleven of chapter seven of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation Section amended.

[No. 158.]

AN ACT to provide for the catching of carp, suckers, and red-sides with nets or spears in the inland waters of Wayne county.

The People of the State of Michigan enact:

Lawful to take
certain fish in
waters of
Wayne
county.
Proviso.

SECTION 1. It shall be lawful to catch carp, suckers and red-sides in the inland waters of Wayne county, with nets or spears: *Provided*, That said waters have not been planted by the State Fish Commission.

This act is ordered to take immediate effect.

Approved May 23, 1901.

[No. 159.]

AN ACT making a supplemental appropriation for the current expenses of the Northern State Normal School at Marquette for the six months ending June thirty, nineteen hundred one, and appropriations for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Supplemental
appropriation.

SECTION 1. That the sum of five thousand dollars be and is hereby appropriated in addition to the appropriation made by act number forty-nine, approved April ninth, nineteen hundred one, for the current expenses of the Northern State Normal School at Marquette, for the six months ending June thirty, nineteen hundred one.

Appropriation,
current
expense.

SEC. 2. The further sum of twenty-seven thousand six hundred thirty dollars is hereby appropriated for the current expenses of the Northern State Normal School at Marquette for the fiscal year ending June thirty, nineteen hundred two, and the sum of twenty-seven thousand six hundred thirty dollars for the fiscal year ending June thirty, nineteen hundred three.

Appropriation
for im-
provements.

SEC. 3. The further sum of thirty-five thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the erection and completion of one school building, including plumbing, heating, lighting and furnishings for the same, and for the improvement of grounds: *Provided*, That the State Board of Education may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition cer-

Proviso.

tify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Board of Education at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 5. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of sixty-seven thousand six hundred thirty dollars, and for the year nineteen hundred two the sum of twenty-seven thousand six hundred thirty dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved May 23, 1901.

[No. 160.]

AN ACT to amend sections eight and nine of act number one hundred nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations; to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation, and to repeal all existing acts inconsistent therewith," the same being sections seven thousand seven hundred forty-seven and seven thousand seven hundred forty-eight of the compiled laws of eighteen hundred ninety-seven, and to add two new sections to said act, to stand as sections twenty-one and twenty-two.

The People of the State of Michigan enact:

SECTION 1. That sections eight and nine of act number one hundred nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations; to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation, and to repeal all existing acts inconsistent therewith," the same being sections seven thousand seven hundred forty-seven and seven thousand Sections amended.

seven hundred forty-eight of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended, and that two new sections be added to said act, to stand as sections twenty-one and twenty-two, said amended and added sections to read as follows:

Declaration of
intention to
form, where
filed.

What to
contain.

Officers to be
residents of
State.

When com-
missioner to
deliver
licenses and
articles to
corporation.

SEC. 8. Such persons as provided in section two of this act shall file in the office of the Commissioner of Insurance a declaration signed by each of the corporators, and duly acknowledged before an officer authorized under the laws of this State to take acknowledgment of deeds, and shall therein express their intention to form a fraternal beneficiary society, order or association for fraternal beneficiary purposes. Said declaration shall also contain the proposed name of the society, order or association, which shall not be the same as, nor too closely resemble, the name of any other society, order or association organized under the laws of this State, or doing business in this State; the mode and manner in which the corporate powers granted by this act are to be exercised; the place of doing business fully and clearly defined; the limit as to age of applicant for beneficiary membership, which shall not exceed fifty-five years, and that medical examinations are required of applicants for life benefits; the names and official titles of the officers, trustees and directors, representatives or other persons, by whatsoever name or title designated, having and exercising the general control and management of its affairs and all its funds, who shall be elected after the first year by representatives chosen by the subordinate lodges, councils or bodies, or grand lodges, grand councils or bodies, as the laws of the society, order or association may provide, and who shall be members of such society, order or association. The president, secretary and treasurer or corresponding officers of such association, and at least a majority of the trustees, directors or executive council who, under its laws, have the general control and management of its affairs during the interim between its regular stated meetings, shall be residents of the State of Michigan and citizens of the United States.

SEC. 9. Upon the filing in the office of said commissioner of the declaration required by the last preceding section, together with the sworn statement by three of said corporators that at least two hundred persons eligible under the proposed laws of such society, order or association, to membership therein, have in good faith made application in writing for membership, and if by him found conformable to the requirements of this act, and not inconsistent with the constitution and laws of the United States and of this State, he shall thereupon deliver to such society, order or association a certified copy of the papers so filed and recorded in his office, together with a license or certificate of said commissioner to such society, order or association, to carry

on the work of a fraternal beneficiary society, order or association, as proposed in said declaration. Upon such certified copy and license or certificate being filed in the office of the Commissioner of Insurance, and when at least two hundred persons have subscribed in writing to be beneficiary members therein and have paid in one full assessment in cash according to its proposed laws, and the Commissioner of Insurance shall have certified that it has complied with the provisions of this act and is authorized to transact business, the said corporators and those who may hereafter become associated with them, or their successors shall be constituted a body politic and corporate, with the powers and privileges of a fraternal beneficiary society, order or association. Such society, order or association may, by a vote of the governing body, hold its regular stated meetings in any state or territory in the United States, or in any province of Canada where subordinate lodges, councils or bodies may exist and are under the jurisdiction of the supreme, grand or governing lodges; and all business transacted at any such meetings shall have the same force and effect as if transacted in this State.

When to be constituted body corporate.

Where meetings may be held.

SEC. 21. Any association incorporated or doing business under this act may amend its articles of incorporation at any of its regular stated meetings by a two-thirds vote: *Provided*, That notice of intention so to do shall be published in the official organ of the association (in the event such association has no official organ, then either a written or printed notice of such intention shall be mailed to each of the subordinate bodies of such association) at least sixty days prior to the meeting at which such amendment is to be considered. All such amendments and the proceedings relating thereto, together with proof of notice as above provided, shall be duly certified and filed within sixty days after their adoption in the office of the Commissioner of Insurance.

How may amend articles.

Proviso.

SEC. 22. All the official books, papers, records and other personal property belonging to associations organized under this act, or any subordinate body thereof, shall be kept at the home office of the association, except in the case of said subordinate bodies the same shall be kept in such place as the laws of the association shall provide, and the same shall at all times be open to the inspection of the Commissioner of Insurance. And any officer or other person who shall take, carry away, or in any manner dispose of said books, papers, records or other personal property from said home office or other place, as above designated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the same penalty provided in section seven thousand seven hundred fifty-six, compiled laws of eighteen hundred ninety-seven, for the misdemeanor therein specified: *Provided*, That by a two-thirds vote of the trustees, directors or executive council having general control and management of the

Records, etc., where kept.

To be open to inspection.

Penalty for disposing of books, records, etc.

Proviso.

affairs of the said association, such books, papers, records, or other property may be taken into the possession of and retained in such manner as such trustees, directors or executive council may direct.

This act to take effect July first, nineteen hundred one.

Approved May 23, 1901.

[No. 161.]

AN ACT to provide for the construction and equipping of a psychopathic ward upon the hospital grounds of the University of Michigan, and to appropriate the sum of fifty thousand dollars therefor.

The People of the State of Michigan enact:

Appropriation
for ward.

SECTION 1. There shall be appropriated out of any of the moneys in the treasury, not otherwise appropriated, the sum of fifty thousand dollars for the purpose of constructing and equipping a psychopathic ward upon the hospital grounds of the University of Michigan, and in connection with said hospital.

Capacity.

SEC. 2. Said psychopathic ward, when constructed, shall be of sufficient capacity to accommodate not less than forty patients, and no more at any one time.

Purpose.

SEC. 3. Said psychopathic ward shall be devoted to the treatment of patients afflicted with mental diseases, and to no other purpose.

How persons
may be ad-
mitted.

SEC. 4. In cases where application shall hereafter be made under the statute to send persons claimed to be insane to either of the insane asylums in the State of Michigan, the judge of probate before whom said application is pending may require the assistance of three competent and skilled physicians, who shall investigate the condition of the patient and report the same to the judge of probate, in writing, and if said judge of probate, shall, upon such investigation, ascertain that there are present in the condition of the patient such features as render detention in a suitable psychopathic hospital for a brief period advisable as a precautionary or curative measure, or if, from such investigation, said judge of probate shall be of the opinion that the case requires the services or treatment of trained and well recognized specialists in the treatment of disorders other than those of the nervous system, he shall pass a decree, or decretal order, directing such afflicted person to be transported for treatment to said psychopathic ward, or hospital

of the University of Michigan; and shall further order that in case the said patient, while in said psychopathic ward, shall recover, said patient shall be forthwith discharged, but in case said patient shall not recover, then, upon certificate of the head of the department of nervous diseases of the hospital of the University of Michigan, that said person is insane and should be confined in some one of the asylums of the State of Michigan, the said afflicted person shall be transported to and confined in such insane asylum as said judge of probate shall designate in his said decree or decretal order.

Disposition
of patients.

SEC. 5. In case the superintendent of either of the asylums for the insane shall be of the opinion that the condition of mind of any person who shall have been, or who shall hereafter be, confined in such asylum, is caused by some malady or disease that, under the treatment of a specialist, might be cured and the patient restored to sanity, he shall cause such person to be conveyed to said psychopathic ward, and in case such patient shall, while confined in said ward, be restored to sanity, such patient shall be discharged; but in case such patient shall be found incurable, the superintendent of the university hospital of which said psychopathic ward is a part, shall cause said insane person to be returned to the asylum from which such person was received, the charges for the care, maintenance and transportation to be paid by the respective counties or by the State, as the patient may be a county or a State charge.

In case
patients
deemed
curable.

Incurables.

SEC. 6. Said psychopathic ward shall be an additional ward to the present university hospital; and under its management, control and regulation, and shall be fitted up especially for the class of cases hereinbefore mentioned; and the superintendents of the various State asylums for the insane shall, by virtue of this statute, become members of the clinical staff of said psychopathic ward.

University
hospital to
control, etc.

SEC. 7. Upon the arrival of each and every patient at such psychopathic ward of the university hospital of the University of Michigan, sent under either of the provisions of this statute, it shall be the duty of the superintendent of said hospital to provide for the care, convenience and treatment of said afflicted person.

Superin-
tendent to
provide care,
etc.

SEC. 8. No compensation shall be allowed to any physician, surgeon or other officer of the University of Michigan, who shall care for or treat said patient, other than the salary they respectively receive from the board of regents of the University of Michigan.

Compensa-
tion.

SEC. 9. It shall be the duty of the superintendent of the university hospital or other person in actual charge of the business management of said psychopathic ward wherein such afflicted persons shall be confined for treatment, to keep an actual and detailed account of all expenses incurred

Monthly
expense
statement.

in the maintenance of such ward, which account shall include the salaries and wages of employees, the cost of medicines and appliances, board, heating, lighting, water supply and transportation furnished, together with all other incidental expenses incurred in the care and treatment of such patients, and such officer shall make an itemized statement monthly under oath and shall file the same with the treasurer of the University of Michigan.

To whom
account sent.

SEC. 10. Upon the filing of such account and affidavit with the treasurer of the university, it shall be the duty of said treasurer to forward the same to the treasurer of the county from which said insane person was sent to said psychopathic ward. The treasurer of said county shall pay the same to the treasurer of said university in the same manner as like accounts are now paid by counties to asylums under the general laws for the care and maintenance of the insane in this State: *Provided*, That if said county shall not pay the treasurer of the university within sixty days from the time such notice was given, the treasurer of the university may notify the Auditor General, as provided in section one thousand nine hundred twenty-three, compiled laws eighteen hundred ninety-seven, whereupon the Auditor General shall pay the treasurer of the university and charge the same to the proper county under the provisions of said section. Said county shall have the same right to maintain actions against any person, town, county or city for reimbursement as now given under said general laws of this State. Any patient transferred from said psychopathic ward to any of the State asylums, shall there be kept and maintained as a county charge as aforesaid for a period, which with the time such patient was in said psychopathic ward shall amount to one year: *Provided*, That if any patient sent from any asylum to said psychopathic ward be a State charge, then such account and affidavit shall be by the treasurer of said university forwarded to the Board of State Auditors at Lansing, who shall examine and audit the account and shall draw their warrant upon the State Treasurer for the amount so audited by them, and the State Treasurer shall cause a draft for such amount to be forwarded to the treasurer of the university; the treasurer of the university shall duly credit upon the books of the university the amounts thus received from the county and State Treasurer in a special account kept by him and designated, "Maintenance of Psychopathic Ward."

Patients
transferred,
maintained
as county
charge.

Proviso.

Superintend-
ent to
report to
governor.

SEC. 11. It shall be the duty of the superintendent of the university hospital to annually report to the Governor of the State of Michigan the number of cases treated in the psychopathic ward, the cause of the disease or malady treated, and the result of the treatment.

Duty of judge
of probate
relative to
insane per-
sons.

SEC. 12. Whenever application shall hereafter be made to any judge of probate in this State, under any statute of this State, for an order committing any person as a private

patient to any of the insane asylums, which are supported by this State, it shall be the duty of such judge of probate, in addition to all other duties incumbent upon him by any other statute or law of this State, to make the examination and investigation hereinbefore provided for, and if, from such investigation, such judge of probate shall be of the opinion that the insanity of such person is caused by some malady or disease that, under the treatment of a specialist in diseases other than those of the nervous system, may, in all probability, be cured and the patient restored to sanity, he shall pass the same decree or decretal order hereinbefore provided for in other cases; but in all cases of private patients, before making the order committing such insane person as a private patient to the said psychopathic ward, such judge of probate, in addition to all other requirements, shall require the petitioner, or the friends of such insane person, to enter into such bond for the support of such private patients at such ward as may be provided for by the regents of the University of Michigan in their by-laws made for the government and management of such ward in the matter of private patients, and to pay such sum into the treasury of the University of Michigan as an advance payment towards the support of such patient as may be required by such regents by such by-laws, and which bond shall be signed by at least two sureties, to be approved by such judge of probate, and in all other respects said private patient shall be treated in the same manner as hereinbefore provided for other patients.

Private patients.

Petitioner to give bond.

SEC. 13. Nothing in this act shall prevent the relatives or friends of any patient, who is made an inmate of such psychopathic ward, from exercising a choice as to which school of medicine established at the University of Michigan shall have charge of the treatment of said patient: *Provided*, That nothing connected therewith shall conflict with the general rules established by the board of regents of the University of Michigan for the proper government of the aforesaid psychopathic ward.

Treatment of patient.

Provido.

SEC. 14. If any person shall neglect or refuse to comply with the provisions of this act he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars or more than one hundred dollars, or be imprisoned in the county jail not less than ten days or more than ninety days, or both such fine and imprisonment in the discretion of the court.

Penalty for neglect.

SEC. 15. The Auditor General shall add to and incorporate with the State tax for the year nineteen hundred one, the sum of fifty thousand dollars, which sum when collected shall be placed to the credit of the general fund to reimburse the same for the money hereby appropriated.

Tax clause.

Approved May 25, 1901.

[No. 162.]

AN ACT making an appropriation for the Eastern Michigan Asylum for the fiscal year ending June thirty, nineteen hundred two, for the purpose of providing a water supply for said asylum, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation for water supply.

Proviso.

How paid.

To be incorporated in state tax.

SECTION 1. That the sum of six thousand dollars be and the same is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the Eastern Michigan Asylum for the purpose of providing an adequate water supply for said asylum by the sinking of wells and the purchase and installation of the necessary machinery to operate the same: *Provided*, That the board of trustees may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 2. The amount appropriated by the provision of this act shall be paid out of the general fund in the State treasury to the treasurer of the Eastern Michigan Asylum, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of six thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved May 27, 1901.

[No. 163.]

AN ACT making appropriations for the Upper Peninsula Hospital for the Insane at Newberry for the fiscal year ending June thirty, nineteen hundred two, for building and special purposes, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That the sum of ninety-two thousand fifty-one dollars and fifty cents be and is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the

Upper Peninsula Hospital for the Insane at Newberry, for the following purposes: For the erection and completion of one infirmary, exclusive of furnishings, thirty-five thousand dollars; for furnishings for the infirmary mentioned in this section, three thousand seven hundred seventy-six dollars and fifty cents; for the erection and completion of one cottage, twenty-three thousand dollars; for furnishings for the cottage mentioned in this section, two thousand five hundred dollars; for two cloisters, twenty-two hundred dollars; for two additions to dining room, ten thousand dollars; for grain barn, fifteen hundred dollars; for addition to laundry dry room, two hundred dollars; for screens for cloister windows, two hundred dollars; for concrete walks and floors, two thousand dollars; for addition to power plant, forty-seven hundred fifty dollars; for two boilers, set with connections, twenty-nine hundred seventy-five dollars; for farm machinery, two hundred fifty dollars; for extension of heating plant, twenty-five hundred dollars; for sterilizing apparatus, one thousand dollars; for addition to library, two hundred dollars.

Purposes for
which used.

SEC. 2. If the amount designated in section one of this act for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in section one may be used in the account or accounts where such deficiency exists, the intent of this section being to make the entire ninety-two thousand fifty-one dollars and fifty cents available for the purposes stated in section one.

May transfer
funds.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Upper Peninsula Hospital for the Insane at Newberry at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of ninety-two thousand fifty-one dollars and fifty cents, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Tax clause.

This act is ordered to take immediate effect.

Approved May 27, 1901.

[No. 164.]

AN ACT making appropriations for the Michigan Pioneer and Historical Society for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three.

The People of the State of Michigan enact:

Appropriation.

Purposes.

Who to collect material for publication.

Who to have custody.

To distribute.

Remaining copies.

SECTION 1. There is hereby appropriated from the general fund to the Michigan Pioneer and Historical Society the sum of two thousand dollars for each of the fiscal years ending June thirty, nineteen hundred two and nineteen hundred three, to be used, in the discretion of the executive committee of said society, in collecting, arranging and preserving a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of and relating to the history of Michigan; to rescue from oblivion the memory of its early pioneers; to procure and preserve narratives of their early exploits, perils, privations, hardy adventures, and noble achievements; and also in collecting material of every description relative to the history, genius, progress or decay of our Indian tribes; to exhibit faithfully the past and present resources of Michigan, and for the publication of additional volumes of historical and other material relative to and illustrative of the history of Michigan. Said Michigan Pioneer and Historical Society shall collect, arrange and prepare the materials for said volumes for printing, which shall be printed by the State printer under the direction and superintendence of said society, the cost of said printing to be paid out of the above appropriation, which volumes, of not more than two thousand copies each, and containing not more than seven hundred and fifty pages each, shall be printed and published in the kind of type, quality of paper and style of binding and printing as those heretofore published by said society.

SEC. 2. The State Librarian shall be the custodian of the publications of the society, and shall exchange with the pioneer and historical societies of domestic and foreign states and governments. The State Librarian shall distribute one copy of each volume to each of the public libraries and grange libraries in the State of Michigan, when authoritatively and officially requested so to do by legally elected officers, or other legally constituted managers of said public and grange libraries. The remainder of said copies of said volumes shall be delivered to and be in the custody and care of the State Librarian, to be sold by said librarian at a price not less than seventy-five cents per copy, and the moneys arising from such sales shall be deposited in the State treasury to the credit of the general fund.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the State Pioneer and Historical Society at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How appropriation paid.

SEC. 4. The State Pioneer and Historical Society shall also cause to be reprinted and bound not to exceed one thousand five hundred copies of volume four of this series of books, the same to be paid for by the Board of State Auditors, said books to be disposed of in all respects as the rest of said series is disposed of. The cost of such printing and binding shall not exceed that paid per volume for the current volume. Reprints of certain volume. Cost.

SEC. 5. No part of the sums hereby appropriated shall be paid for any services rendered by its officers to the society while in the discharge of their official duties. Official services not paid from appropriation.

Approved May 27, 1901.

[No. 165.]

AN ACT to amend sections one, six, twenty-one and twenty-five of chapter three, section fifteen of chapter four, section one of chapter six, sections two, four and five of chapter seven, section two of chapter ten, sections two and seven of chapter thirteen, of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being compiler's sections four thousand six hundred sixty-six, four thousand six hundred seventy-one, four thousand six hundred eighty-six, four thousand six hundred ninety-one, four thousand seven hundred six, four thousand seven hundred seventeen, four thousand seven hundred twenty-two, four thousand seven hundred twenty-four, four thousand seven hundred twenty-five, four thousand seven hundred forty-seven, four thousand seven hundred sixty-six and four thousand seven hundred seventy-one of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections one, six, twenty-one and twenty-five of chapter three, section fifteen of chapter four, section one of chapter six, sections two, four and five of chapter Sections amended.

seven, section two of chapter ten, sections two and seven of chapter thirteen of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being compiler's sections four thousand six hundred sixty-six, four thousand six hundred seventy-one, four thousand six hundred eighty-six, four thousand six hundred ninety-one, four thousand seven hundred six, four thousand seven hundred seventeen, four thousand seven hundred twenty-two, four thousand seven hundred twenty-four, four thousand seven hundred twenty-five, four thousand seven hundred forty-seven, four thousand seven hundred sixty-six and four thousand seven hundred seventy-one of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

CHAPTER III.

Officers, when
elected.

(4666) SECTION 1. At the first meeting in each school district there shall be elected by ballot a moderator for the term of three years, a director for two years, and a treasurer for one year; and on the expiration of their respective terms of office, and regularly thereafter at the annual meetings, their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting in any school district and the first annual meeting thereafter shall be reckoned as one year.

District board.
Meetings.

(4671) SEC. 6. The moderator, director, and treasurer shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

Duties of
director.

(4686) SEC. 21. It shall be the duty of the director of each school district:

Clerk of board.

First. To act as clerk, when present, at all meetings of the district and of the board;

To record
proceedings.

Second. To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books;

Give notice
of meetings.

Third. To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law;

Draw war-
rents, etc.

Fourth. To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or ap-

portioned to the district by the township clerk, payable to the treasurer of the district, and orders upon the treasurer for all moneys to be disbursed by the district and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund from which, it is drawn;

Fifth. To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature; Teachers' contracts.

Sixth. To provide the necessary appendages for the school-house and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages within the meaning of law shall consist of the following articles, to-wit: A set of wall maps, the grand divisions, the United States and Michigan, not exceeding twelve dollars in price, a globe not exceeding eight dollars, a dictionary not exceeding ten dollars, a reading chart not exceeding five dollars, and a case for library books not exceeding ten dollars; also a looking-glass, comb, towel, water pail, cup, ash pail, poker, stove shovel, broom, dust-pan, duster, wash basin and soap; Necessary appendages. What constitutes.

Seventh. To keep an accurate account of all expenses incurred by him as director, and such accounts shall be audited by the moderator and treasurer, and on their written order shall be paid out of any money provided for the purpose; To keep accounts.

Eighth. To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law and for the payment of the services of any district officer; To present estimate of expenses.

Ninth. To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all books, papers and other documents belonging to the office of director, or to the district when not otherwise provided for, and to deliver the same to his successor in office; To preserve reports, etc., belonging to office.

Tenth. To perform such other duties as are or shall be required of the director by law or the district board. Other duties.

TREASURER.

(4691) Sec. 25. It shall be the duty of the treasurer of each school district: Duties of treasurer.

First. To execute to the district and file with the director, within ten days after his election or appointment, a bond in double the amount of money to come into his hands as such treasurer during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office, and to perform all the duties of his said office as required by the provisions of this act. Said Bond.

bond shall be filed with the director, and in case of any breach of the condition thereof, the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the assessor;

Orders. Second. To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;

Record. Third. To keep a book in which all the moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid;

Report. Fourth. To present to the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year, and of each item of disbursements made, and exhibit the voucher therefor;

To appear for district in suits, etc. Fifth. To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the moderator shall appear for such district, if no other direction be given as aforesaid;

What to deliver to successor. Sixth. At the close of his term of office to settle with the district board, and deliver to his successor in office all books, vouchers, orders, documents, and papers belonging to the office of treasurer, together with all district moneys remaining on hand;

Other duties. Seventh. To perform such other duties as are or shall be by law required of the treasurer.

CHAPTER IV.

How taxes assessed. (4706) SEC. 15. The amount to be assessed upon the taxable property of any school district retaining the school house or other property, on the division of a district, as the same shall have been determined by the inspectors, shall be assessed by the supervisor in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided*, That if the district retaining the school house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the moderator and director of the new dis-

Proviso.

trict to the supervisor, shall be deducted from the amount to be assessed as provided in this section. When collected, such amount shall be paid over to the treasurer of the new district, to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school house or other district purposes.

CHAPTER VI.

(4717) SECTION 1. That any school district may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or at a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school house site or sites, and to erect and furnish school buildings as follows: Districts having less than thirty children between five and twenty years of age may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having forty children of like age may have an indebtedness not to exceed seven hundred and fifty dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having seventy-five children of like age may have an indebtedness not to exceed two thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having one hundred twenty-five children of like age, and with an assessed valuation of not less than one hundred fifty thousand dollars, may have an indebtedness not to exceed five thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars; and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this section the director, treasurer, and one person appointed by the district board, shall constitute a board of inspection, who shall cause a poll list to be kept and a suitable ballot box to be used, which shall be kept open two hours. The vote shall be by ballot; either printed or written, or partly printed and partly written, and the canvass of the same shall be con-

May borrow money, etc.

Limit of indebtedness.

Proviso.

Further proviso.

ducted in the same manner as at township elections or as the laws governing the same are applicable; and when they are not, the board of inspectors shall prescribe the manner in which canvass shall be conducted.

CHAPTER VII.

Suit against district.

(4722) SEC. 2. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the treasurer of the district at least eight days before the return day thereof.

Treasurer to certify to judgment.

(4724) SEC. 4. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the treasurer of the district shall certify to the supervisor of the township and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

When treasurer fails to certify.

(4725) SEC. 5. If the treasurer shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators, or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the treasurer.

CHAPTER X.

Trustees to file acceptances.

(4747) SEC. 2. Within ten days after their elections such trustees shall file with the director acceptances of the offices to which they have been elected, and shall annually elect from their own number a moderator, a director, and treasurer, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in other school districts in this State except as hereinafter provided.

Vacancies.

The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said trustees.

CHAPTER XIII.

(4766) SEC. 2. Any person duly elected to the office of moderator, director, treasurer, or trustee of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars. Penalty for neglect of duty.

(4771) SEC. 7. Any township clerk who shall neglect or refuse to certify to the supervisor any school district taxes that have been reported to him as required by this act, and any supervisor wilfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the treasurer in the name of the district, in an action of debt, or on the case. Liability of certain officers for neglect of duty.

This act is ordered to take effect September first, one thousand nine hundred and two.

Approved May 27, 1901.

[No. 166.]

AN ACT to define the legal qualifications of kindergarten, music, and drawing teachers in the State.

The People of the State of Michigan enact:

SECTION 1. Any person who is a graduate of any kindergarten training school, endorsed by the Superintendent of Public Instruction of this State, and who holds also a teachers's certificate or a diploma from a reputable college of the State, or a high school having a four years' high school course, shall be considered a legally qualified kindergarten teacher; and any district board shall be authorized to pay such teacher for kindergarten instruction from the same fund, and in the same manner, as other teachers are now paid. Qualifications of kindergarten teachers defined.

SEC. 2. Any person who has finished a course of at least two years in music in the University of the State of Michigan, or in any of the State normal schools, or in any college incorporated under the general laws of the State, and any person who has finished a course of at least one year in drawing in any of the aforesaid institutions, or in any other institution, whose course of study is acceptable to the Superintendent of Public Instruction, and holds in either case a statement from the proper authorities of the institution Music and drawing teachers.

Proviso.

certifying to that fact, shall be considered a legally qualified teacher in music or in drawing; and any district board, or board of education, shall be authorized to pay such teacher for instruction in music or in drawing from the same fund, and in the same manner, as other teachers are now paid: *Provided*, That in cities organized under special law or charter, and maintaining kindergarten training schools, having a three years' course, shall be exempt from the provisions of this act.

Repealing
clause.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved May 27, 1901.

[No. 167.]

AN ACT making appropriations for the Michigan Soldiers' Home for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation
for current
expense.

SECTION 1. That there be and is hereby appropriated for the current expenses of the Michigan Soldiers' Home for the fiscal year ending June thirty, nineteen hundred two, the sum of one hundred twenty-four thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of one hundred twenty-four thousand dollars.

For improve-
ments.

SEC. 2. The further sum of fifteen thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the erection and completion of an addition to the woman's building, including heating, plumbing, lighting and furnishing complete, and also for an elevator for the same.

Idem.

SEC. 3. The further sum of eight thousand one hundred dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, by purposes and amounts as follows: For an ice house, fifteen hundred dollars; for an addition to the pumping station, one thousand dollars; for a pump and connections for pumping station, eight hundred dollars; for an electric motor for the pumping station, eight hundred dollars; for the extension of water mains, eight hundred dollars; for a one hundred twenty-five horse-power engine, two thousand dollars; for a one thousand-light dynamo, one thousand two hundred dollars: *Provided*, That the board of managers may obtain money under sections two and three

Proviso.

of this act before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 4. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan Soldiers' Home at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 5. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of one hundred forty-seven thousand one hundred dollars, and for the year nineteen hundred two the sum of one hundred twenty-four thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved May 27, 1901.

[No. 168.]

AN ACT making appropriations for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, for the purpose of promoting the horticultural interests of the State and the editing and compiling of the reports of the Michigan State Horticultural Society, and to provide a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the use of the Michigan State Horticultural Society for the fiscal year ending June thirty, nineteen hundred two, the sum of one thousand five hundred dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of one thousand five hundred dollars. Appropriation.

SEC. 2. The moneys appropriated by this act shall be paid by the State Treasurer upon the warrant of the Auditor General. The accounts of the society shall be made upon forms of vouchers furnished by the Auditor General, shall be fully itemized and shall show that the disbursements were for the purposes prescribed in this act. Said accounts shall be certified as correct by the president and secretary of the Michigan State Horticultural Society. By whom paid.
Accounts.

Purposes of
appropriation.

SEC. 3. The moneys hereby appropriated may be used by the officers of the Michigan State Horticultural Society for procuring lectures, employing scientists or experts to investigate the diseases and insect enemies of trees, vines, plants or fruit, to determine and promulgate the best method of preventing or destroying said diseases and insects, or in such other manner as in the judgment of said board will best promote the horticultural interests of the State; also in the work of collecting material, securing cuts for illustrations, and in the preparation of the copy of the reports of said society for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three.

Tax clause.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of fifteen hundred dollars, and for the year nineteen hundred two fifteen hundred dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

Approved May 27, 1901.

[No. 169.]

AN ACT making appropriations for the Michigan Home for the Feeble Minded and Epileptic for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That there be and hereby is appropriated for the current expenses of the Michigan Home for the Feeble Minded and Epileptic for the fiscal year ending June thirty, nineteen hundred two, the sum of eighty-five thousand dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of eighty-five thousand dollars.

Further
appropriation.

SEC. 2. The further sum of fifty-four thousand one hundred fifty dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for purposes and amounts as follows: Administration building, twenty-nine thousand dollars; for furnishing custodial cottage, three thousand dollars; for steel ceiling, two thousand seven hundred fifty dollars; for locks and shower baths, three hundred dollars; for telephone system, five hundred dollars; for bake oven, eight hundred dollars; for root cellars, one thousand dollars; for cows, one thousand dollars; for engine and generator, four thousand two hundred dollars; for dairy

Purposes.

barn and silo, four thousand three hundred dollars; for epileptic cottage, four thousand seven hundred dollars; for cooling house, two thousand six hundred dollars: *Provided*,^{Proviso.} That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire fifty-four thousand one hundred fifty dollars available for the purposes stated herein: *Provided further*,^{Further proviso.} That the board of control may obtain money under this section before July first, nineteen hundred one in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 3. The several sums appropriated by the provisions^{How paid.} of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan Home for the Feeble Minded and Epileptic at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

SEC. 4. The Auditor General shall incorporate in the State^{Tax clause.} tax for the year nineteen hundred one the sum of one hundred thirty-nine thousand one hundred fifty dollars, and for the year nineteen hundred two the sum of eighty-five thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Approved May 27, 1901.

[No. 170.]

AN ACT making supplemental appropriations for the Michigan School for the Deaf for the fiscal year ending June thirty, nineteen hundred one, to meet deficiencies in the current expense and building accounts of said school, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That the sum of six thousand three hundred fifty dollars and five cents be and is hereby appropriated for the Michigan School for the Deaf for the fiscal year ending^{Appropriation for current expense.}

June thirty, nineteen hundred one, to meet the expenditures from the current expense fund in excess of the amount appropriated by section one, act one hundred nineteen, of the public acts of eighteen hundred ninety-nine.

For school building.

SEC. 2. The further sum of one thousand seven hundred thirteen dollars and sixty-one cents is hereby appropriated for the fiscal year ending June thirty, nineteen hundred one, to meet the expenditures from the fund for the erection and equipment of a school building in excess of the amount appropriated by sections two and three of act one hundred nineteen of the public acts of eighteen hundred ninety-nine.

How paid.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan School for the Deaf, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Tax clause.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one, the sum of eight thousand sixty-three dollars and sixty-six cents, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Approved May 27, 1901.

[No. 171.]

AN ACT to provide for compensation for the several members of the Board of State Auditors in lieu of the reimbursement of such officers under the present laws for traveling and hotel expenses.

The People of the State of Michigan enact:

Salary.

SECTION 1. The several State officers constituting the Board of State Auditors shall be paid for the year nineteen hundred one and annually thereafter the sum of eighteen hundred dollars each as compensation for the services performed by them as members of said Board of State Auditors, not contemplated by the constitution of this State, and as a reimbursement for their necessary traveling expenses and hotel bills when traveling on State business and in attending meetings of the Board of State Auditors, and meetings of other boards of which said officers are members, said amount to be in lieu of the reimbursement provided for in sections one hundred sixty-nine and one hundred seventy of the compiled laws of eighteen hundred ninety-seven, for dis-

Expenses, etc.

bursement of expenses, and to be paid from the general fund How paid.
on the warrant of the Auditor General in the same manner
in which salaries of the State officers are now paid.

Approved May 27, 1901.

[No. 172.]

AN ACT to amend section two, section six, and section ten,
of an act entitled "An act to authorize proceedings against
garnishees, and for other purposes," being chapter thirty-
five of the compiled laws of the State of Michigan of
eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That an act entitled "An act to authorize pro- Sections
ceedings against garnishees, and for other purposes," being amended.
chapter thirty-five of the compiled laws of the State of Mich-
igan of eighteen hundred ninety-seven, be and the same is
hereby amended by amending section two, section six, and
section ten thereof as follows:

(991) SEC. 2. The person summoned as garnishee, from Who deemed
the time of the service of such summons, shall be deemed liable to
liable to the plaintiff in such suit, to the amount of the prop- plaintiff.
erty, money and effects in his hands or possession, or under
his control, or due from him to the defendant in such suit:
Provided, That when the defendant is a householder having a Proviso.
family, nothing herein contained shall be applicable to any
indebtedness of such garnishee to the defendant for the per-
sonal labor of such defendant, or his family to the amount
of eighty per centum of such indebtedness, but in no case
shall more than thirty dollars of such indebtedness be exempt
from the operation of this act, and in all cases at least eight
dollars shall be so exempt: *Provided further*, That in case the Further
defendant is not a householder having a family, nothing here- proviso.
inbefore contained shall be applicable to any indebtedness
of such garnishee to the defendant for the personal labor of
such defendant to the amount of forty per centum of such
indebtedness, but in no case where the principal defendant is
not a householder shall more than fifteen dollars of such in-
debtedness be exempt from the operation of this act, although
in all cases of the description mentioned in this proviso at
least four dollars shall be so exempt.

(995) SEC. 6. On the appearance of such garnishee before When plaintiff
such justice, or on some other day to which the same may be may examine
adjourned, the plaintiff may proceed to examine the garnishee garnishee.
on oath or otherwise, as the plaintiff may elect, touching the

Not deemed
witness.

matters alleged in the affidavit, and the justice shall take minutes of such examination, and file the same with the other papers in the cause. Upon such examination the garnishee shall not be deemed a witness for the plaintiff, and his answers or disclosures upon such examination may be contradicted and controverted by the plaintiff upon the trial of the issue hereinafter provided for in section ten.

When plaintiff
may declare
against
garnishee.

(999) SEC. 10. In all cases where a judgment has been rendered against the defendant, and also after a final determination of the suit pending against the defendant, as mentioned in section seven of this act, and the garnishee has been duly summoned to appear and show cause, the plaintiff may declare against the garnishee for the property, monies and effects above mentioned, in trover; or if the garnishee be indebted to the defendant for monies had and received, or if the garnishee shall have property, monies and effects of the defendant in his possession, and shall also be indebted to the defendant, the plaintiff may declare in trover, and add thereto a count for monies had and received, and may give the special matter in evidence; and the garnishee may plead thereto, and issue may be formed and tried as if the defendant had brought such suit against the garnishee for the matters set forth in such declaration, and either party shall be entitled to an appeal or other process as in other cases. The answers or disclosure of the garnishee made as in this act provided shall not be conclusive of the truth of the matters therein set forth, but upon the trial of any issue between the plaintiff and the garnishee, the plaintiff may introduce evidence to contradict, or otherwise controvert, the truth of the said answers or disclosure.

Plaintiff may
use evidence
to contradict
garnishee.

Approved May 27, 1901.

[No. 173.]

AN ACT to provide for the assessment of the property of railroad companies, union station and depot companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight line companies; and for the levy of taxes thereon by a State Board of Assessors, and for the collection of such taxes.

The People of the State of Michigan enact:

Who to
constitute
state board
of assessors.

SECTION 1. That the Board of State Tax Commissioners created under the laws of this State, shall *ex officio* constitute a State Board of Assessors, one of whom shall be elected chairman of said board.

SEC. 2. The secretary of the Board of State Tax Commissioners shall be ex officio secretary of the State Board of Assessors without extra compensation, and shall keep a record of all its proceedings in addition to such other duties as may be required of him by said board, and shall devote his whole time to the duties of his office. In addition to the secretary said board may employ such other clerical assistance as may be necessary and required to perform the duties imposed upon it by this act: *Provided*, That the compensation paid for such clerical assistance shall not in any case exceed one thousand dollars for each person employed, per annum: *Provided further*, That said board may employ such other assistance as may be necessary, with the consent of the Governor and the Board of State Auditors. The compensation of the said secretary and clerks, and all other necessary expenses incurred in carrying out the provisions of this act, shall be allowed by the Board of State Auditors upon proper vouchers approved by the chairman and secretary of the board, and paid by the State Treasurer out of the general fund.

Who to be
secretary.

Duties of.

Proviso.

Further
proviso.

SEC. 3. Said board shall have access to all books, papers, documents, statements and accounts, on file or of record in any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of public records. It shall have like access to all books, papers, documents, statements and accounts, on file or of record in counties, townships and municipalities. It shall have the right to subpoena witnesses, upon a subpoena signed by the chairman of said board and attested by the secretary thereof, delivered to such witnesses, which subpoenas may be served by any person authorized to serve subpoenas from courts of record in this State, and the attendance of witnesses may be compelled by attachment, to be issued by any circuit court in this State, upon proper showing that such witness has been properly subpoenaed, and has refused to obey such subpoena. The person appearing in response to such subpoena shall receive like compensation as is allowed by the statutes of this State to witnesses in the circuit court, to be allowed by the Board of State Auditors upon the presentation of a copy of such subpoena, with the number of days' service and mileage endorsed thereon and approved by a member of said Board of Assessors, or the secretary thereof. The person serving such subpoena shall receive the same compensation now allowed to sheriffs or other officers for serving subpoenas. Said board shall have power to examine witnesses under oath, said oath to be administered by any member of the board, or by the secretary thereof. It shall have the right to inspect and examine the books, papers or accounts of any corporation, firm or individual owning property to be assessed by said board, and if such corporation, firm or individual refuse to permit said inspection and ex-

Board to have
access to
papers, etc.

May subpoena
witnesses.

Compensation
of witnesses.

Of person
serving
subpoena.

Powers of
board.

amination, or neglect or fail to appear before said board in response to its subpoena, said corporation, firm or individual shall, for each such refusal, neglect or failure, forfeit the sum of five hundred dollars to the State, the sum so forfeited to be recovered in a proper action brought in the name of the people of the State of Michigan, in any court of competent jurisdiction.

Duties of board.

SEC. 4. It shall be the duty of said board to make an annual assessment upon an assessment roll to be prepared by said board, of the property having a situs in this State as hereinafter defined, of railroad companies, union station and depot companies, express companies, doing business within this State, car loaning companies, and refrigerator and fast freight line companies, and all other corporations owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this State.

Term property, what to include.

SEC. 5. The term property as used in this act shall be deemed to include all property, real or personal, belonging to the corporation subject to taxation under this act, including the right of way, roadbed, stations, cars, rolling stock, tracks, wagons, horses, office furniture, telegraph or telephone poles, wires, conduits, switchboards, and all other property used in carrying on the business of said corporations or owned by them respectively, and all other real and personal property and all franchises, said franchises not to be directly assessed, but to be taken into consideration in determining the value of the other property: *Provided however*, That this definition shall not include, apply to or subject to taxation such real estate as is owned and can be conveyed by such corporations under the laws of this State which is not actually occupied in the exercise of their franchises or in use in the proper operation of their roads or their corporate business; but such real estate so excepted shall be liable to taxation in the same manner and for the same purposes and to the same extent and subject to the same conditions and limitations as to the collection and return of taxes thereon, as is other real estate in the several townships or municipalities in which the same may be situate. The term company, corporation or association, wherever used in this act, shall apply to and be construed as referring respectively to any railroad company, union station and depot company, express company, car loaning company or refrigerator or fast freight line company, and any and all other corporations subject to taxation under this act. The term "property having a situs in this State" shall include all the property, real and personal, of the corporations enumerated in this act, owned, used and occupied by them within the limits of this State, and also such proportion of the rolling stock, cars and other

Proviso.

Term company, how applied.

"Property situs in state," what to include.

property of such corporations as is used partly within and partly without this State, as herein provided to be determined.

SEC. 6. The several corporations enumerated in this act, doing business in this State, shall annually, between the first and thirtieth days of June in each year, under the oath of the president, secretary, treasurer, superintendent or chief officer of such company, make and file with the State Board of Assessors, in such form as said board may provide, upon blanks to be furnished by said board, a statement containing the following facts:

Corporations to file report with board.

RAILROAD, UNION STATION AND DEPOT COMPANIES.

The blanks furnished to railroad and union station and depot companies, shall provide for the following information:

Blanks, what to contain.

- | | |
|---|--|
| First. The name of the company; | Name. |
| Second. The nature of the company, and under the laws of what state or country organized; | Nature, etc. |
| Third. The location of its principal office; | Location. |
| Fourth. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager; | Address of officers. |
| Fifth. The name and postoffice address of the chief officer or managing agent of the company in Michigan; | Manager. |
| Sixth. The number of shares of capital stock; | Number of shares. |
| Seventh. The par value and market value, or if there be no market value, the actual value, of the shares of stock on the second Monday of April of the year in which the report is made; | Value. |
| Eighth. A detailed statement of the real estate owned by the company in Michigan, and where situate, and the value thereof; | Statement of real estate. |
| Ninth. A detailed statement of the personal property, including moneys and credits owned by the company in Michigan, on the second Monday in April in the year in which the report is made, where situate, and the value thereof; | Personal property. |
| Tenth. The total value of the real estate owned by the company situate outside of Michigan; | Value of real estate outside of state. |
| Eleventh. The total value of the personal property of the company situate outside of Michigan; | Personal property. |
| Twelfth. The whole length of their lines, and the length of so much of their lines as is within or is without Michigan, which lines shall include what said railroad companies control and use as owners, lessees, or otherwise; | Length of lines. |
| Thirteenth. A statement of the entire gross receipts of the companies, from whatever source derived, for the year ending the second Monday of April in the year for which the report is made; | Gross receipts. |

Such facts as board may require.

Fourteenth. Such other facts and information as said board may require, in the form of the returns prescribed by it.

EXPRESS COMPANIES.

Blanks, what to contain.

The blanks furnished to express companies shall provide for the following information:

Name.

First. The name of the company;

Nature.

Second. The nature of the company and under the laws of what state or country organized;

Location.

Third. The location of its principal office;

Address of officers.

Fourth. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager;

Manager.

Fifth. The name and postoffice address of the chief officer or managing agent of the company in the State of Michigan;

Number of shares.

Sixth. The number of shares of capital stock, (a) authorized, (b) issued;

Value.

Seventh. The par value and market value, or if there be no market value, the actual value of the shares of stock, together with the total amount of bonded indebtedness, on the second Monday of April of the year for which the report is made;

Value of real estate in State.

Eighth. The situation, income and value in detail of its real estate in this State;

Outside.

Ninth. The total income from and cash value of all its real estate situated outside of this State;

Personal property in State.

Tenth. A full and correct inventory, at the true cash value, of its personal property, including moneys and credits, within this State;

Outside.

Eleventh. The true cash value of all its personal property, including money and credits without this State;

Names, etc., of lines.

Twelfth. The whole length and names of railroad lines and water and stage routes over which it did business, and separately, in detail, the portions of such lines and routes within this State, and the portion of such routes over navigable waters of the United States within this State;

As board may require.

Thirteenth. Such other facts and information as may be deemed necessary by the State Board of Assessors, or any member thereof, to the proper assessment of the property of such company.

CAR LOANING, STOCK CAR, REFRIGERATOR AND FAST FREIGHT LINE COMPANIES, AND OTHER CAR COMPANIES.

Blanks, what to contain.

The blanks furnished to car loaning, stock car, refrigerator and fast freight line companies shall provide for the following information:

Name.

First. The corporate name of the company;

Nature.

Second. The nature of the business of said company, and under the laws of what State or country organized;

Location.

Third. The location of its principal office;

Fourth. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager;

Name of officers.

Fifth. The location of its principal office in the State of Michigan, together with the name and address of the chief officer or managing agent of the company in Michigan;

Location of principal office in State.

Sixth. The total number of cars and rolling stock of any such corporation run over or operated upon any line or lines of railroad within this State each day during the entire year preceding the date of making and filing such report;

Name of manager.
Number of cars.

Seventh. The cost of construction of each of said cars;

Cost of each.

Eighth. The length of time the same has been in service;

Time in service.

Ninth. The cash value of each of said cars so operated and run in this State, at the time of making and filing such report;

Cash value of each.

Tenth. And such other and additional information as may be deemed necessary by said board, or any member thereof, to the proper assessment of the cars of such company in this State in accordance with the provisions of this act and to the performance of the duties imposed upon it hereby.

As board may require.

SEC. 7. Blanks for making the statements provided for in section six shall be furnished to such companies on making application to said board: *Provided*, That the reports hereby provided for shall not in any way relieve any of said companies from making the reports now required to be made to other State officers. In case any company fails or refuses to make the statement required by this act, or refuses to furnish any information requested, the board shall inform itself as best it may on the matters necessary to be known, in order to discharge its duties with respect to the assessment of the property of such company. Any company which shall refuse or neglect to make the report required by this act within the time specified, shall be subject to a penalty of five hundred dollars for each day of the continuance of such neglect or refusal to file said report, to be recovered in a proper action brought in the name of the people of the State of Michigan in any court of competent jurisdiction.

Blanks, when furnished.

Proviso.

Procedure when company refuses to make statement.

Penalty.

SEC. 8. Subsequent to the filing of the reports required in the preceding section, and prior to the fifteenth day of December in each year, it shall be the duty of the said State Board of Assessors, to prepare an assessment roll as provided in section four of this act, upon which they shall assess at the true cash value on the second Monday of April of the year in which the assessment is made, all the property of the companies herein enumerated subject to taxation under this act, which said assessments shall not be final until reviewed as hereinafter provided. For the purpose of arriving at the amount and character and the true cash value of the property belonging to said companies as appearing upon the assessment roll for the purpose of assessment and taxation,

When board to prepare assessment roll.

Board may inspect property.

True cash value, how determined.	the said board may personally inspect the property belonging to said companies, and may take into consideration the reports filed under this act, the reports and returns of such companies filed in the office of any officer of this State, and such other evidence as may be obtainable bearing thereon.
Of express companies.	In determining the true cash value of the property of railroad and union station and depot companies which own, lease or operate lines partly within and partly without this State, the said board shall be guided, in ascertaining the property subject to taxation in Michigan, by the relation which the number of miles of main track within the State of Michigan bears to the entire mileage of the main track of said companies both within and without this State. In determining the cash value of the property of express companies, they shall ascertain and determine the actual value in money of the entire amount of the capital stock and bonded indebtedness of such express company. From the amount so obtained and determined, said board shall deduct the actual value of all real estate owned by it as ascertained by said board, and the actual value of all its personal property which is not used in the express business of such express company. And the remainder thus obtained shall be used in determining the assessment of such express company in the following manner: The said board shall then divide the amount as obtained above by the total number of miles of railroad, stage, water and other routes over which the company did business, to obtain the value per mile, and shall then multiply the value per mile thus obtained by the total number of miles of such routes within this State, exclusive, however, of the number of miles of water routes over the navigable waters of the United States within this State, to which result shall be added the value of all real estate owned by such express company in this State, as determined by said board, and the sum so obtained shall be taken and considered as the actual value of the property of such express company subject to assessment and taxation in this State. In ascertaining the cash value of the property of car loaning, stock car, refrigerator, fast freight line and other car companies subject to taxation under this act, they shall ascertain the average number of cars used in this State during the year preceding the date of the filing of the report mentioned in the preceding section, such average to be determined by dividing the total number of cars so used or operated within this State during said year by the total number of days on which said cars were so used or operated within this State; and they shall also ascertain the average cash value of such average number of cars, and from said data the total valuation shall be determined and shall be the assessment against the property of said corporation.
Actual.	
Assessment, how determined.	
Cash value of car loaning, etc., how obtained.	
Total valuation, how determined.	

SEC. 9. Upon said assessment roll, after the names of each of the companies assessed thereon, shall be placed a general description of the properties of said companies, which shall be deemed to include all of the properties of said companies liable to taxation under this act. In the case of railroad, union station and depot companies, such general description may be as follows: "Real estate, rolling stock, right of way and appurtenances thereto, and all other property used in carrying on the corporate business and subject to taxation by a State Board of Assessors." In the case of car loaning, stock car, refrigerator and fast freight line and other car companies, the following general description may be used: "Cars subject to taxation by a State Board of Assessors." In the case of express companies, the following general description may be used: "Property subject to taxation by a State Board of Assessors." In an appropriate column opposite the names of said corporations shall be extended the cash valuations of the properties of said companies so assessed.

What descriptions roll to contain.

Railroad companies, etc.

Car loaning companies, etc.

Express.

SEC. 10. On the third Monday of December in each year, it shall be the duty of the State Board of Assessors to meet at the State capitol at Lansing, and to continue in session from day to day for so long a period as may be necessary, not later than the fifteenth day of January next thereafter, for the purpose of reviewing said assessment roll, and any company or person interested shall have the right to appear during said period and be heard as to the valuation of the property of any company, and said State Board of Assessors may, on such application or on its own motion, correct the assessment or valuation of the property of such company in such manner as will, in its judgment, make the valuation thereof just and equal; and for the purpose of arriving at the true cash value of the properties assessed on said assessment roll, may subpoena witnesses as provided in section three of this act and have such hearing as may be deemed necessary. In case it shall appear or be made to appear to the members of said board, acting in review for assessment purposes, that the property of any corporation subject to taxation under the provisions of this act shall have been omitted from said assessment roll, it shall place the same thereon and make the assessment thereof as required in sections eight and nine of this act: *Provided*, That any such assessment shall take place in time to allow five full days for the review of the same before the expiration of the time herein provided for the completion of the review. After said State Board of Assessors shall have completed the review of said rolls as herein provided, they shall place opposite each description of property in said roll, in a column provided for that purpose, the true cash value of the same as ascertained and determined by them, and such valuation so fixed by them shall be the final valuation upon which the tax upon said

When board to be in session.

May correct roll.

May place omitted property on roll.

Provido.

Final valuation.

When board
to certify to
roll.

property shall be levied and spread as herein provided. After said board shall have completed the review of said roll, a majority thereof shall certify under their hands officially, and spread on said roll, a certificate to the effect that the same has been acted upon and reviewed in accordance with law, which certificate shall state all the alterations, changes, corrections and additions made in or to the assessment or valuation of the property appearing on said roll.

County clerk
to make
report, what
to contain.

SEC. 11. It shall be the duty of the county clerk in each county in this State, as soon as possible after the equalization of the board of supervisors of his county of the assessment rolls of the several municipalities therein, and not later than the first day of November in each year, to make a report, duly certified, to the State Board of Assessors, of the record of such equalization and of the record required to be made under section thirty-seven of the general tax law, being section three thousand eight hundred sixty of the compiled laws of eighteen hundred ninety-seven, as appears upon the records of such board of supervisors, which report shall, among other things, contain a statement of the amount of ad valorem taxes to be raised in the several municipalities of such county for State, county, municipal, township, school, and other purposes, and a statement of the aggregate valuation of the property in each of said several municipalities, as taken from the assessment rolls of said municipalities for the year in which such equalization is made. It shall be the duty of the supervisor or other assessing officer of cities and villages in this State governed by special charters, which provide for the collection of ad valorem taxes, which are not reported to the board of supervisors for the purposes of equalization or review, and the supervisors or other assessing officers of cities organized under general laws, to make, within the time above limited, a properly certified report to the State Board of Assessors of all ad valorem taxes raised in any of said municipalities, which have not been reported to the board of supervisors for the purposes of equalization and review. In case any county clerk or any supervisor or assessing officer shall neglect or fail to make the report by this section required, within the time limited, the said State Board of Assessors shall inspect and examine, or cause an inspection and examination of the records of said board of supervisors, or in cities affected by this section, an examination of the records of the proper officer, for the purpose of procuring the information required for the purpose of arriving at the average rate of taxation in this State; and the said board, in addition thereto, may require such reports on blanks which it shall prepare and furnish therefor, from all county, State and municipal officers, as it shall deem necessary to the accomplishment of the purpose of this act. Any county clerk, supervisor or assessing officer who shall fail to make the report required by this section shall be

Assessors,
etc., to make.

In case
officers fail
to report.

Penalty.

subject to a penalty of one hundred dollars, to be recovered in a proper action in the name of the people of the State of Michigan, in any court of competent jurisdiction.

SEC. 12. As soon as the reports required by the preceding section to be filed have been filed, or the information therein required to be procured shall have been procured, and not later than the fifteenth day of December in each year, the said State Board of Assessors shall ascertain and determine the average rate of taxation for the then current year levied upon other property upon which ad valorem taxes are assessed for State, county, township, school and municipal purposes, and shall enter the same upon its records forthwith, together with the method by which such average rate was ascertained and determined.

Board to ascertain average tax.

SEC. 13. Said board shall tax the property of the several companies as assessed by it at the rate as determined by it, and the amount of tax to be paid by each of said companies shall be extended upon said assessment roll opposite the descriptions of their respective properties. After the completion of said tax roll, and prior to the first day of February in each year, the said board shall attach thereto a certificate signed by the members of the board, or a majority thereof, which shall be as follows: "We do hereby certify that we have set down in the above assessment roll all the property of railroad companies, express companies, union station and depot companies, car loaning, stock car, refrigerator and fast freight line and other car companies liable to be taxed in this State, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and that we have assessed the taxes thereon at the average rate of taxes for State, county, township, school, municipal and other purposes, levied through the State during the present year, as determined by us. The said tax roll shall thereupon be forthwith delivered to the Auditor General, who shall immediately notify by registered mail the several companies taxed thereon to pay the taxes extended thereon to the State Treasurer. The said taxes shall be payable on the first day of March following the assessment and levy thereof, and shall be in lieu of all taxes for State and local purposes, not including special assessments on property particularly benefited, made in any county, city, village or township. All taxes not paid before the first day of April in the year in which the same are payable shall bear interest at the rate of one per cent per month thereafter. The taxes so extended against said companies shall become forthwith a debt due from each of said companies to the State, and shall constitute a lien upon all the property of said companies, real, personal and mixed, from the time of the extension until the payment thereof, which lien shall take precedence of all demands, judgments, assignments by warranty deed or otherwise, or decrees

Amount taxed to be extended on roll.

Certificate to be attached.

What to contain.

To whom roll delivered.

Taxes, when payable.

When to bear interest, rate.

To become lien.

Lien, how enforced.

Warrant to be annexed to roll.

Collections by distress, etc., how authorized.

Proviso.

Procedure when tax judged illegal.

When certain payments applied on reassessment.

against said companies, which lien and debt may be enforced by seizure or sale of said property or such portion thereof as may be necessary to satisfy the same, as hereinbefore provided. The State Board of Assessors shall, upon the completion of said roll and the correction hereinbefore provided for, annex to said roll a warrant, signed by the State Board, or a majority of them, commanding the Auditor General to collect the several sums mentioned in the last column of such roll, and being the sum for which the said company was assessed and was liable to pay for a tax upon its property under the provisions of this act for the purposes provided for in this act; and the said warrant shall authorize and command the Auditor General, in case any corporation named in the assessment roll shall neglect or refuse to pay its tax, to levy the same by distress and sale of the properties of said corporation, or such portion thereof as shall be necessary to raise sufficient money to satisfy said tax and the expense of said sale, after giving the same notice of such sale as provided for in the general laws of this State for the sale of property seized for taxes and offered for sale: *Provided*, He may bring an action in the name of the people of the State of Michigan in any court of competent jurisdiction in the State of Michigan, or in any other state, for the enforcement of said lien, and upon recovery of judgment or decree therein the same may be collected by execution, levy and sale, as in other cases, upon judgments in courts of record.

SEC. 14. If any court of competent jurisdiction shall adjudge that any tax levied under the provisions of this act is illegal on account of any irregularity or informality in the determination of the average rate of taxation required to be ascertained and determined by said State Board of Assessors, or for the reason that such average rate has not been ascertained and determined according to law, it shall be the duty of the said State Board of Assessors, whether any part of the taxes assessed and levied have been paid or not, to redetermine and reascertain the average rate of taxation throughout the State in accordance with law, and when such redetermination and reascertainment has been had, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such redetermined and reascertained average rate, and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as an original assessment made in accordance with law. All proceedings on the redetermination and reascertainment of such average rate and for the extension and collection of taxes upon said duplicate assessment roll shall be conducted in the method originally provided for, so far as may be. Whenever any sum or part thereof levied upon any property subject to taxation under this act so set aside has been paid and not refunded, the payment so made shall be applied upon

the reassessment upon said property, and the reassessment to that extent shall be deemed to be satisfied.

SEC. 15. No tax assessed upon any property and no average rate determined by said State Board of Assessors as hereinbefore required, shall be held invalid by any court of this State on account of any irregularity in any assessment or on account of any assessment or tax roll not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any corporation or person other than the owner, or on account of any other irregularity, informality or omission, if the method and manner of ascertaining and determining the average rate of taxation on property in this State is in accordance with the constitution and statutes of this State.

When tax not to be held invalid.

SEC. 16. All taxes collected under this act shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt other than the amounts due to educational funds, when such taxes shall be added to and constitute a part of the primary school interest fund; and such taxes as are collected under the provisions of this act shall be treated and disbursed as specific taxes are now treated and disbursed: *Provided however*, That if any of the corporations, companies or associations herein named were not paying specific taxes to this State on November sixth, A. D. nineteen hundred, the tax collected from such corporations, companies or associations under this act shall be paid into and become a part of the general fund of the State.

Taxes, how applied.

Proviso.

SEC. 17. The first assessment under this act shall be made as herein required in the year nineteen hundred and two. Nothing herein contained shall be deemed a waiver or affect the collection of the specific taxes required to be paid by the companies hereby affected, on the first day of July in the year nineteen hundred and one, and on the first day of July in the year nineteen hundred and two, under the general laws upon the property or business of such companies operated within this State. The existing laws providing for the collection of such specific taxes shall be continued in force until the collection and payment of all taxes levied thereunder for the year nineteen hundred and one and previous years.

When first assessment to be made.

Time existing laws to continue in force.

SEC. 18. If said board shall wilfully assess any property at more or less than what the members taking part in making such assessment believe to be its true cash value, the members voting in favor of such assessment shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five thousand dollars each.

Penalty for wilfully making wrong assessment.

Penalty for
offering board
gratuities, etc.

SEC. 19. If any person, company, association or corporation whose property is subject to assessment under this act shall directly or indirectly promise, offer or give to any member of said board, during his term of office, or to any other person at his request, any gratuity of any kind whatever, such person or corporation shall forfeit to the State the sum of ten thousand dollars for each such offense, to be recovered in an action in the name of the people of the State of Michigan, in any court of competent jurisdiction. And the recovery of such fine under this act shall not constitute a bar to any prosecution of the person or corporation so offending under the criminal laws of this State.

Repealing
clause.

SEC. 20. All other acts or parts of acts, whether contained in any acts for the incorporation of railroad companies, union station and depot companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight line companies, or in any other law of this State, so far as such acts or parts of acts are inconsistent with this act, and no further, are hereby repealed, except as herein expressly stated: *Provided however*, That all rights which the State now has under any of said acts, for taxes or penalties, shall not in any way be affected by this act, and shall not constitute a bar to any prosecution or recovery on account of such taxes or penalties.

Proviso.

Approved May 27, 1901.

[No. 174.]

AN ACT to amend sections one hundred forty-five and one hundred forty-six of act two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," as added to said act by act number one hundred fifty-four of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections one hundred forty-five and one hundred forty-six of act two hundred six, public acts of eighteen hundred ninety-three, entitled "An act to provide

for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act," as added to said act by act number one hundred fifty-four of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine, be and the same are hereby amended so as to read as follows:

SEC. 145. It shall be the duty of the Governor, by and with the advice and consent of the senate, within five days after this act shall have been approved by the Governor, to appoint two resident freeholders of this State, who shall be duly qualified electors thereof, and who, together with the three persons now constituting the Board of State Tax Commissioners, shall hereafter constitute a Board of State Tax Commissioners, with powers and duties as prescribed under the provisions of this act, one of whom so appointed shall hold office until the thirty-first day of December, nineteen hundred four, and one of whom so appointed shall hold office until the thirty-first day of December, nineteen hundred six, and until their successors shall have been appointed and shall have qualified. Thereafter the successors of each member of said Board of State Tax Commissioners shall be appointed by the Governor, and shall hold office for the term of six years, and until their successors shall have been appointed and qualified. The persons who now constitute the Board of State Tax Commissioners under appointments heretofore made shall continue to hold their office until the expiration of their respective terms. At the expiration of the terms of office of the members of said board, their successors in office, so long as this act shall remain in force, shall be appointed by the Governor, by and with the advice and consent of the Senate. All appointments which are provided to be made by the Governor under this section of this act shall be made while the legislature is in session, and not at any other time, except in cases where a vacancy in office shall occur otherwise than by the expiration of the term of office of any member of said board. In case a vacancy in the office occurs otherwise than by expiration of the term, the Governor shall have power to appoint to fill such vacancy at any time, and the person so appointed shall hold office until the next meeting of the legislature after such appointment, and no longer.

Governor to
appoint com-
missioners.

Term of office.

Appoint-
ments, when
and by whom
made.

Vacancy, how
filled.

SEC. 146. Said board shall elect a secretary at a salary not to exceed two thousand dollars per annum. The person so elected shall hold his office during the pleasure of said board

Secretary.
Compensa-
tion.
Term of office.

Custodian of
records.

and shall keep a record of all the proceedings of said board, which records with all other papers or proceedings of said board shall be a part of the records of the Auditor General's office, and of which the Auditor General shall be the lawful custodian. The secretary shall devote all his time to the duties of his office, and when said board is not in session, shall perform such duties as may have been assigned him by said board.

This act is ordered to take immediate effect.

Approved May 27, 1901.

[No. 175.]

AN ACT to amend section two of act number three of the public acts of eighteen hundred seventy-three, entitled "An act to provide for the payment of the officers and members of the legislature," being section twelve of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of act number three of the public acts of eighteen hundred seventy-three, entitled "An act to provide for the payment of the officers and members of the legislature," being section twelve of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Compensa-
tion of mem-
bers, clerks,
etc.

SEC. 2. From and after the first day of January, nineteen hundred one, the compensation of the president and members of the senate, and the speaker and members of the house of representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness during the session of the legislature, and ten cents for every mile actually traveled in going to and returning from the place of meeting on the usually traveled route. Each member of the senate and house of representatives shall be entitled to receive five dollars for stationery and newspapers. The per diem compensation of the secretary of the senate shall be ten dollars; of the first assistant secretary, six dollars; of the second assistant secretary, six dollars; of the financial clerk and secretary's messenger, five dollars; of the proof reader, five dollars; of the sergeant-at-arms, five dollars; which compensation shall be in full for all services performed during any regular or special session of the legislature, for which they are elected by the senate or appointed by a superior officer. The per diem compensation of the clerk of the house shall be ten dollars; of the journal clerk, seven dollars;

Of the senate.

Of the house.

of the bill clerk, six dollars; of the reading clerk, six dollars; of the financial clerk, six dollars; of the proof readers, six dollars; of the sergeant-at-arms, five dollars; which compensation shall be in full for all services performed during any regular or special session of the legislature for which they are elected by the house, or appointed by a superior officer. The per diem compensation of the clerks employed with the consent of the senate or house of representatives, or by any standing or special committee with the consent of either of said houses, shall be three dollars each for actual attendance during the session; the per diem compensation of the janitors of the senate and house of representatives and their authorized assistants, the keeper of the cloak room and the keeper of the document room, and their authorized assistants, and of the postmaster of the legislature, shall be three dollars; and that of the messengers, two dollars for the time actually employed in attendance during the session; and all officers and employes of either house shall receive mileage at the rate of ten cents per mile for every mile actually traveled in coming to and returning from the capitol by the usually traveled route.

This act is ordered to take immediate effect.

Approved May 27, 1901.

[No. 176.]

AN ACT to amend section seven of chapter fifty-five of the revised statutes of eighteen hundred forty-six, being chapter two hundred and thirty of the compiled laws of eighteen hundred ninety-seven, entitled "General Provisions Relating to Corporations."

The People of the State of Michigan enact:

SECTION 1. That section seven of chapter fifty-five of the revised statutes of eighteen hundred forty-six, being chapter two hundred thirty of the compiled laws of eighteen hundred ninety-seven, entitled "General Provisions Relating to Corporations," be and the same is hereby amended to read as follows: Section amended.

SEC. 7. Every such corporation may hold land to an amount authorized by law, and may convey the same and may receive subscriptions to its capital stock in lands situate in the State of Michigan, or may receive donations of lands situate in the State of Michigan, to assist or enable such corporation to perform or complete any work of public improvement in which such company may be engaged in pursuance May hold certain property.

When shares
may be trans-
ferred.

When trans-
fer held
invalid.

May amend
articles.

Proviso.

of its charter, and may sell and convey the same; and whenever the capital stock of any such corporation is divided into shares, and certificates thereof are issued, such shares may be transferred by indorsement and delivery of the certificates thereof, such indorsement being by the signature of the proprietor, or his attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered on the books of the corporation as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer. Any such corporation may at any time amend its articles of association, by filing amended articles of association in the office of the Secretary of State, which said amended articles of association shall be made in all respects consistent with the provisions of the act or acts under which such corporation may be organized, and shall be executed by said corporation under its corporate seal, and by stockholders of said corporation owning at least a majority of all the capital stock of said corporation, under their seals, and duly acknowledged. But in case such corporation has no capital stock, then such amended articles shall be executed by the president or other chief officer and a majority of the directors or trustees of such corporation: *Provided*, That they shall have been authorized to make such amendment by the vote of a majority of the members of such corporation at any regular meeting or meetings called for that purpose. Such amended articles shall be filed, or recorded, or both filed and recorded, in the same manner as required in case of original articles of such corporation.

Approved May 28, 1901.

[No. 177.]

AN ACT to amend section one of act number one hundred thirty-seven of the session laws of eighteen hundred forty-nine, entitled "An act to authorize proceedings against garnishees and for other purposes," being compiler's section nine hundred ninety of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number one hundred thirty-seven of the session laws of eighteen hundred forty-nine, entitled "An act to authorize proceedings against garnishees and for other purposes," being section nine hun-

dred ninety of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That in any action commenced before a justice of the peace, founded upon contract, express or implied, or upon judgment or decree, or after the rendition of judgment in any case, if the plaintiff, his agent or attorney, shall make and file with such justice an affidavit stating that he has good reasons to believe, and does believe, that any person, naming him, has property, money or effects in his hands, or under his control, belonging to the defendant, or any or either of the defendants in such suit, judgment or decree, or that such person is indebted to such defendant, or any or either of the defendants, the justice shall issue a summons against such person requiring him to appear before such justice at a time and place mentioned in the said summons, not less than six nor more than twelve days from the date thereof, and answer, under oath, all questions put to him touching his indebtedness to such defendant, or any or either of the defendants, naming him or them, and the property, money and effects of the defendant, or any or either of the defendants, in his possession within his knowledge or under his control; which summons shall be served and returned in the same [same] manner as a summons issued against a defendant in other cases: *Provided*, That any co-partnership or company doing business in this State may be garnisheed under this act if a personal service on the resident bookkeeper, superintendent, foreman, or any resident manager of such co-partnership or company is obtained. The garnishee shall be entitled to the same fees as he would be if he were subpoenaed as a witness in such case.

When justice
to issue
summons.

How served.

Proviso.

Approved May 28, 1901.

[No. 178.]

AN ACT to secure greater safety and comfort for persons traveling on suburban and certain street railways.

The People of the State of Michigan enact:

SECTION 1. That every railroad company or railway company operating a suburban railroad or railway, or operating any street railroad or railway except a street railway, the greater part of whose railroad or railway is without the limits of an incorporated city or village, shall provide and carry at one end of each and every car owned or used by such company for the convenience and carriage of passengers, a good

Implements
to be pro-
vided.

	and serviceable axe of not less than three pounds weight, properly sharpened, provided with a proper helve or handle, and at all times in condition for immediate use; also a good carpenter's saw with not less than twenty-four inch cut, also properly fitted and at all times in condition for immediate use; each of which implements shall be suspended by brackets or straps upon the inside of each car near the door thereof and within easy view, reach and access of passengers occupying such car. Such railroad company or railway company shall also provide and carry in each car a suitable water tank of reasonable size, and keep and maintain therein a reasonable supply of wholesome water for drinking purposes for the use of passengers in such car. Such railroad company or railway company shall also provide, maintain and keep in proper condition upon each passenger car a suitable water closet with proper conveniences for the use of passengers traveling upon such car: <i>Provided</i> , That such closet shall not be allowed to be opened or used while said car is within the corporate limits of any city or village.
Where kept.	
Conveniences.	
Proviso.	
Penalty for violation.	SEC. 2. In case any suburban or street railway companies or corporations shall run any train of cars or any car within the limits of this State for the carrying or transportation of passengers, and upon which passengers are transported in violation of any of the provisions of section one of this act, it or they shall be liable to a penalty of fifty dollars, and costs of prosecution, for each and every train and car so run, to be sued for in the name of the people of the State of Michigan, and such suburban or street railway company or corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect: <i>Provided</i> , That this act shall not apply to any street railway or suburban road that is less than twenty miles in length from terminus to terminus.
Proviso.	Approved May 28, 1901.

[No. 179.]

AN ACT to prohibit the catching of black bass in the inland waters of this State at certain times, and to provide a penalty for the violation of this act.

The People of the State of Michigan enact:

Closed season. SECTION 1. That it shall be unlawful to take, catch or kill, or attempt to take, catch or kill, in any manner or by any means whatsoever, in the inland waters of this State, any black bass from and after the first day of April in each year,

and up to and including the succeeding twentieth day of May of each year.

SEC. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than five dollars and not exceeding one hundred dollars, and costs of prosecution, or by imprisonment in the county jail not less than thirty days and not exceeding three months, or by both such fine and imprisonment, in the discretion of the court, and in all cases when a fine and costs is imposed the court shall sentence the offender to be confined in the county jail until such fine and costs are paid, for any period not exceeding three months. Penalty for violation.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That this act shall not operate to repeal any local acts heretofore passed relative to the same subject. Repealing clause. Proviso.

Approved May 28, 1901.

[No. 180.]

AN ACT to provide for the manufacture and sale of black pepper in this State, and to provide a penalty for the violation of the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. Within this State no person, firm or corporation shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than six and one-half per cent ash or mineral matter; and shall contain not less than twenty-five per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fibre. Sale or manufacture of adulterated pepper prohibited. Pepper, what to contain.

SEC. 2. Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than five hundred dollars and the costs of the prosecution Penalty for violation.

or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved May 28, 1901.

[No. 181.]

AN ACT to amend the title and section one of act number seventy-eight of the public acts of the State of Michigan for the year eighteen hundred eighty-seven, being an act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic in this State, or of the Loyal Legion of the United States," and being section eleven thousand seven hundred sixty-eight of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Title and
section
amended.

SECTION 1. That the title of act number seventy-eight of the public acts of the State of Michigan for the year eighteen hundred eighty-seven, be and the same is hereby amended to read as follows, to wit: "An act to prevent persons from unlawfully using or wearing the badge or button of the Grand Army of the Republic in this State, or of the Loyal Legion of the United States," and that section one of said act, being section eleven thousand seven hundred sixty-eight of the compiled laws of eighteen hundred ninety-seven, be amended to read as follows:

Wrongful
wearing of
certain
badges, etc., a
misdemeanor.

SECTION 1. Any person who shall wilfully wear the badge or the button of the Grand Army of the Republic, the insignia, badge or rosette of the Loyal Legion of the United States, or who shall use the same with intent to obtain aid or assistance within this State, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order or of such society, is guilty of a misdemeanor.

Approved May 28, 1901.

[No. 182.]

AN ACT to prohibit fishing with, using or setting seines, gill nets, or any form of pound, trap, sweep or set nets, or like device, in any of the waters connecting Lakes Superior and Huron, and the tributaries thereof.

The People of the State of Michigan enact:

SECTION 1. That no person or persons shall fish with, use or set any seines, gill nets, or any form of pound, trap, sweep or set nets, or any like device for taking fish, except dip nets in the rapids, in any of the waters of this State connecting Lakes Superior and Huron, which within the meaning of this act, shall be defined as those waters between and extending from a line drawn due east and west touching the most northerly point of Lime island, and a line drawn straight across from the most northern point of Round island to Point Aux Pins: *Provided*, That from April first to May fifteenth in each year, nets of the lawful size may be used for the purpose of taking wall-eyed pike and pickerel, in the waters between a line drawn east and west touching the most northerly point of Lime island and a line running from the mouth of the lower or main Muniscong river due east to the Canadian shore.

Unlawful to use nets.

Proviso.

SEC. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof before any justice having jurisdiction, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and cost of prosecution, or imprisonment in the county jail not to exceed sixty days, or both such fine and imprisonment, in the discretion of the court.

Penalty for violation.

SEC. 3. It shall be the duty of the State Game Warden, the commissioners of State fisheries and the sheriffs, within their respective jurisdictions, to enforce the provisions of this act, and when, upon complaint or information otherwise obtained, they shall discover any violations thereof, to institute the necessary proceedings to punish the offenders, and it shall be their duty to seize and destroy any nets found used or set in violation of this act.

Duties of warden, etc.

SEC. 4. Any and all such nets set in said prohibited waters in violation of the provisions of this act are hereby declared to be a public nuisance, and may be taken up and destroyed by any person finding the same, without criminal or civil liability.

When nets may be destroyed.

Approved May 29, 1901.

[No. 183.]

AN ACT to amend section one of act number one hundred and seven of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the incorporation of associations for the purpose of erecting and owning buildings to be occupied for stores, offices, halls and lodge, society and association rooms," approved May twenty-fourth, eighteen hundred and ninety-three, being sections sixty-nine hundred and fifty-nine of the compiled laws of Michigan.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number one hundred and seven of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the incorporation of associations for the purpose of erecting and owning buildings to be occupied for stores, offices, halls and lodge, society and association rooms," approved May twenty-fourth, eighteen hundred and ninety-three, being section sixty-nine hundred and fifty-nine of the compiled laws of Michigan, be and the same is hereby amended so as to read as follows:

Number may
incorporate.

SECTION 1. That any five or more persons desiring to become incorporated for the purpose of erecting and owning buildings to be occupied for stores, offices, dwelling houses, apartment houses for residence purposes, storerooms, factories, power buildings, halls and lodge, society and association rooms may, by complying with the provisions of this act, with their successors and assigns, become a body politic and corporate, under any name assumed by them in their articles of association: *Provided*, No two companies shall assume the same or similar name.

Proviso.

Approved May 29, 1901.

[No. 184.]

AN ACT to amend sections eight, nine and ten, and to repeal section eleven, of act number two hundred five of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of societies for the receiving, loaning and investing of money," being sections six thousand one hundred ninety-seven, six thousand one hundred ninety-eight, six thousand one hundred ninety-nine, and six thousand and two hundred of the compiled laws of eighteen hundred ninety-seven, as amended by act number two hundred seventy-three of the public acts of eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That sections eight, nine and ten of act number two hundred five of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of societies for receiving, loaning and investing of money," being sections six thousand one hundred ninety-seven, six thousand one hundred ninety-eight, and six thousand one hundred ninety-nine of the compiled laws of eighteen hundred ninety-seven, as amended by act number two hundred seventy-three of the public acts of eighteen hundred ninety-nine, be and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 8. Such society is hereby empowered to lay out and invest its capital, or other moneys intrusted or in anywise belonging to such society, in the first place, in paying and discharging all costs, charges and expenses incurred in the formation and management of such society; and the remainder of such capital or other moneys, or so much thereof as may from time to time be deemed necessary, may be advanced by way of a loan to any person or persons, partnerships or corporations, upon security of bonds and mortgages, or notes and mortgages, on unincumbered real estate of at least double the value of such loans; or any part or parts of such capital, or other moneys, may be invested in the stocks or bonds of the United States, or of any of the so called New England, middle or northwestern states, or in any bonds lawfully issued by any county, city, village or school district in any state of the United States, and upon such terms and conditions as such society shall deem satisfactory and expedient.

How capital to be invested.

SEC. 9. Every borrower from such society of a loan, secured by bond and mortgage or note and mortgage on real estate, in accordance with section eight of this act, shall have the right to repay such loan, together with interest, by certain periodical installments, hereinafter called loan repayments, extending over such period not less than one

Payment of loans by installments.

nor more than ten years, as shall be stated in such bond and mortgage, or note and mortgage: *Provided*, That such interest shall not exceed nine per cent per annum, and shall be calculated on the amount or balance of principal from time to time owing: *Provided also*, That no such borrower shall be charged with or pay any commission in the way of premium or discount on the amount of loan so made to him on security as aforesaid.

Proviso. **Further proviso.** **Borrower may redeem property.** SEC. 10. In case any borrower of a loan from such society shall desire to redeem his property before the expiration of the time limited or mentioned in his bond and mortgage, or note and mortgage, for the repayment of such loan, he shall be allowed to do so, at such time or at the end of such notice as shall be stated in or required by such society's by-laws.

Section repealed. SEC. 2. That section eleven of act number two hundred five of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of societies for the receiving, loaning and investing of money," being section sixty-two hundred of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby repealed.

Approved May 29, 1901.

[No. 185.]

AN ACT for the protection of fish in the Saginaw river and its tributaries.

The People of the State of Michigan enact:

Channel to be kept open. SECTION 1. That at all times hereafter, in order to permit the passage of fish up and down the Saginaw river, there shall be kept and maintained in the Saginaw river, free from any pound, trap, stake, gill or set nets or seines, or like device of any kind for taking fish, a channel, one-third of the full width of the river at low water mark and extending from the mouth of said Saginaw river, in the county of Bay, to the head waters thereof, said channel to be the thread or middle line of the deepest water in the main channel of said river:

Proviso. *Provided*, No net shall extend more than one-third of the whole width of the stream, and it shall be unlawful for any person or persons to set, place or use any pound, trap, stake, gill or set net or seine, or any like device of any kind for taking or catching fish in that portion of Saginaw river in this section described.

Unlawful to use certain nets. SEC. 2. It shall not be lawful for any person or persons to set, place or use any pound, trap, stake, gill or set nets or seines of any kind, for taking fish in any of the tributaries

of the Saginaw river: *Provided*, That suckers, dog fish, bull heads, reddsides and carp may be taken with hand dip nets, or pound nets with mesh not less than four inches as manufactured, in any of the tributaries of the Saginaw river. Proviso.

SEC. 3. That it shall not be lawful for any person or persons to set, use or place any pound, trap, stake, gill, or set nets or seines, or any device of any kind for taking fish in the waters of the Saginaw river from the fifteenth day of April to the fifteenth day of November each year. Closed season.

SEC. 4. It shall not be lawful to use any drive or trammel for the purpose of taking or catching fish in the waters of the Saginaw river or its tributaries. That it shall not be lawful for any person or persons to take or catch with any species of net whatever, and retain for sale or use, any black bass, or sell or offer for sale or make use of any perch of a less length than eight inches, or any pike, pickerel or catfish of a less weight than one pound, and it shall be the duty of any person who shall take any perch, pike, pickerel or catfish of a less weight or length than herein prescribed, or any black bass of any size, to replace the same alive and without injury in the waters from which the same were taken at liberty. Unlawful to use drive, etc.
Certain fish not to be taken with nets.

SEC. 5. It shall be unlawful for any person or persons to have any fish of less length than above described in any box, cribs, dummies or any device for holding fish or any black bass of any size. All fish must be sorted at nets or at boxes and unlawful fish set at liberty at once without any injury to any of aforesaid unlawful fish. Unlawful to keep in cribs, etc.

SEC. 6. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail, but such confinement shall not exceed sixty days. Penalty for violation.

SEC. 7. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

Approved May 29, 1901.

[No. 186.]

AN ACT to amend sections four, five, eleven and twelve of act two hundred eleven, public acts of eighteen hundred ninety-three, entitled "An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and fix his compensation," as amended by act two hundred forty-five of the public acts of eighteen hundred ninety-five, approved June first, eighteen hundred ninety-five, as further amended by act one hundred fifty-four of the public acts of eighteen hundred ninety-seven, approved May twenty-fourth, eighteen hundred ninety-seven, and as further amended by act two hundred sixty-eight of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine, being sections four thousand nine hundred seventy-six, four thousand nine hundred seventy-seven, four thousand nine hundred eighty-three, and four thousand nine hundred eighty-four of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections four, five, eleven and twelve of act two hundred eleven, public acts of eighteen hundred ninety-three, entitled "An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and fix his compensation," as amended by act two hundred forty-five of the public acts of eighteen hundred ninety-five, approved June first, eighteen hundred ninety-five, as further amended by act one hundred fifty-four of the public acts of eighteen hundred ninety-seven, approved May twenty-fourth, eighteen hundred ninety-seven, and as further amended by act two hundred sixty-eight of the public acts of eighteen hundred ninety-nine, approved June twenty-third, eighteen hundred ninety-nine, being sections four thousand nine hundred seventy-six, four thousand nine hundred seventy-seven, four thousand nine hundred eighty-three, and four thousand nine hundred eighty-four of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

Salaries.

SEC. 4. The salaries and expenses authorized by this section shall be for the fiscal year ending June thirtieth, nineteen hundred two, and each fiscal year thereafter, said salaries to be payable monthly, on the warrant of the Auditor

Commissioner,
clerks, etc.

General. The salary of the commissioner shall be two thousand dollars; the salary of the deputy commissioner shall be one thousand five hundred dollars; the salary of each clerk shall be not to exceed seven hundred twenty dollars, and the pay per day for each inspector shall be not to exceed three dollars. The actual and necessary expenses of the commissioner, deputy, and inspectors, in the performance of their

Expenses, how
audited.

official duties, shall be audited by the Board of State Auditors, and paid upon the warrant of the Auditor General. Such compensation and expenses shall be certified, audited and paid in the same manner as the salaries and expenses of similar officers. The commissioner, by and with the consent of the Governor, shall appoint a deputy commissioner, who shall hold office during the pleasure of the commissioner, and who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State. The commissioner may appoint not to exceed two clerks for the transaction of the business of his office. The commissioner may also appoint not to exceed six inspectors, who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and who shall hold office during the pleasure of the commissioner. Such inspectors shall have the same right of access to places to be inspected as the said commissioner or his deputy. The deputy commissioner and the inspectors shall enter into bonds with the people of the State of Michigan in the sum of five thousand dollars each, with sureties to be approved by the commissioner, conditioned for the faithful performance of their respective duties. The Board of State Auditors shall provide office room and the necessary furniture and fixtures and the necessary stationery, supplies and printing for the conduct of the business of the said commissioner, on his application to the said board therefor. Said office shall be and remain in the city of Lansing.

SEC. 5. The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person as State analyst, who shall be a practical analytical chemist. The commissioner, in like manner, may appoint an assistant State analyst. Before entering upon the duties of their office they shall take, subscribe and file in the office of the Secretary of State the constitutional oath of office. Their term of office shall continue during the pleasure of the commissioner. The Board of State Auditors shall provide a room in connection with the dairy and food commission for the laboratory of the State analyst and his assistant, and the necessary furniture and fixtures therefor. In case of the absence or inability of the State analyst or his assistant to perform their duty, the commissioner may, with the consent of the Governor, appoint some competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office. The salaries and expenses authorized by this section shall be for the fiscal year ending June thirtieth, nineteen hundred two, and each fiscal year thereafter, said salaries to be payable monthly on the warrant of the Auditor General. The salary of the chemist shall be fifteen hundred dollars; the salary of the assistant chemist shall be one thousand dollars. The actual and necessary expenses of the chemist and assistant chemist, in the perform-

Deputy, how appointed.

Clerks.

Inspectors.

Who to enter into bonds.

State analyst, how appointed.

Assistant.

Term of office.

Salaries.

Expenses.

ance of their official duties, shall be audited by the Board of State Auditors and paid upon the warrant of the Auditor General. An amount not exceeding five hundred dollars may be expended for the necessary chemical supplies. Such compensation, expenses and supplies shall be certified, audited and paid in the same manner as the salaries, expenses and supplies of similar officers.

Appropriation.

SEC. 11. The sum of twenty-six thousand five hundred dollars is hereby appropriated for the fiscal year ending June thirtieth, nineteen hundred two, fifteen hundred dollars of which is appropriated to meet a deficiency in the appropriation for the fiscal year ending June thirtieth, nineteen hundred one. For the fiscal year ending June thirtieth, nineteen hundred three, and each fiscal year thereafter, there is hereby appropriated the sum of twenty-five thousand dollars. Out of the amounts appropriated by this act shall be paid all salaries and expenses and chemical supplies provided for therein: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery.

Proviso.

Tax clause.

SEC. 12. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of twenty-six thousand five hundred dollars, and for the year nineteen hundred two the sum of twenty-five thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money appropriated by this act.

This act is ordered to take immediate effect.

Approved May 29, 1901.

[No. 187.]

AN ACT to amend act number sixty-eight of the public acts of eighteen hundred fifty-three, entitled "An act relating to telegraph operators and others," being section eleven thousand three hundred eighty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Act amended.

SECTION 1. That act number sixty-eight of the public acts of eighteen hundred fifty-three, entitled "An act relating to telegraph operators and others," being section eleven thousand three hundred eighty-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

Penalty for divulging contents of messages.

SECTION 1. Any person connected with a telegraph, telephone or messenger company, incorporated or unincorporated, operating a line of telegraph or telephone, or engaged

in the business of receiving and delivering messages in this State, in any capacity, who wilfully divulges the contents or the nature of the contents of a communication entrusted to him for transmission or delivery, or who wilfully refuses or neglects to transmit or deliver the same, or who wilfully delays the transmission or delivery of the same, or who wilfully forges the name of the receiver to any receipt for any such message or communication or article of value entrusted to him by such company, with a view to injure, deceive or defraud the sender or intended receiver thereof, or any such telegraph, telephone or messenger company, or to benefit himself or any other person, shall, on conviction thereof before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail of the county where such conviction shall be had, for a term of not more than three months, or shall pay a fine of not more than one hundred dollars, in the discretion of the court.

Approved May 29, 1901.

[No. 188.]

AN ACT to provide for the registration of Grange libraries with the Michigan State Library.

The People of the State of Michigan enact:

SECTION 1. The libraries of all granges in good standing in the State may become registered with the Michigan State Library. May become registered.

SEC. 2. The librarian of every registered Grange library shall make an annual report to the State Librarian, giving the name of the librarian, the number of volumes contained in the library and the yearly circulation of the books. The State Librarian shall print this report, and a copy shall be sent to every registered Grange library. Under such reasonable rules and regulations as may be prescribed therefor, the State Librarian, upon the requisition of the librarian of a registered library, may lend to such library any book or books which may be called for by any patron of said library, except those books which cannot be allowed to be taken from the State Library. To make annual report, to whom. Who to print. May borrow books.

SEC. 3. Librarians or other Grange officers may be entitled to ask from the State Librarian any needed advice or instruction as to library building, furniture, equipment, government, rules for readers, selecting, buying, cataloguing, shelving, lending books, or other matter pertaining to the es- Officers may ask advice from state librarian.

tablishment or administration of the Grange libraries. It shall be the duty of the State Librarian to impart any such advice or instruction whenever requested by any officer of the Grange. The lecturer of the Michigan State Grange shall be and is hereby constituted an advisory officer to consult with the State Librarian upon all matters connected with Grange libraries.

When grange library debarred from privileges.

SEC. 4. If the responsible officers or managers of any Grange library shall disregard, violate or refuse to comply with the rules and regulations relative to the loaning of books, such Grange library shall be debarred from the privileges granted by this act.

Approved May 29, 1901.

[No. 189.]

AN ACT to divide the State of Michigan into thirty-two senatorial districts.

The People of the State of Michigan enact:

Districts entitled to one senator.

SECTION 1. The State of Michigan shall be divided into thirty-two senatorial districts, and each district shall be entitled to elect one senator, and the districts shall be constituted and numbered as follows:

First district.

The first district shall consist of the ninth, eleventh, thirteenth, fifteenth and seventeenth wards of Detroit, and the townships of Grosse Pointe, Gratiot, Hamtramck, Greenfield, Redford, Livonia, Plymouth and Northville.

Second.

The second district shall consist of the first, second, third, fifth and seventh wards of Detroit.

Third.

The third district shall consist of the fourth, sixth, eighth and tenth wards of Detroit.

Fourth.

The fourth district shall consist of the twelfth, fourteenth and sixteenth wards of Detroit, and the townships of Canton, Nankin, Dearborn, Springwells, Van Buren, Romulus, Taylor, Ecorse, Sumpter, Huron, Brownstown and Monaguon, and the city of Wyandotte.

Fifth.

The fifth district shall consist of the counties of Lenawee and Monroe.

Sixth.

The sixth district shall consist of the counties of St. Joseph, Branch and Hillsdale.

Seventh.

The seventh district shall consist of the counties of Berrien and Cass.

Eighth.

The eighth district shall consist of the counties of Allegan and Van Buren.

The ninth district shall consist of the counties of Calhoun ^{Ninth.} and Kalamazoo.

The tenth district shall consist of the counties of Jackson ^{Tenth.} and Washtenaw.

The eleventh district shall consist of the county of St. ^{Eleventh.} Clair.

The twelfth [twelfth] district shall consist of the counties ^{Twelfth.} of Oakland and Macomb.

The thirteenth district shall consist of the counties of ^{Thirteenth.} Genesee and Livingston.

The fourteenth district shall consist of the counties of Ing- ^{Fourteenth.} ham and Shiawassee.

The fifteenth district shall consist of the counties of Barry ^{Fifteenth.} and Eaton.

The sixteenth district shall consist of the first, second, ^{Sixteenth.} third, fourth, fifth, ninth, tenth, eleventh and twelfth wards of the city of Grand Rapids.

The seventeenth district shall consist of the sixth, seventh ^{Seventeenth.} and eighth wards of the city of Grand Rapids, and the townships of Tyrone, Solon, Nelson, Spencer, Sparta, Algoma, Courtland, Oakfield, Alpine, Plainfield, Cannon, Grattan, Walker, Grand Rapids, Ada, Vergennes, Wyoming, Paris, Cascade, Lowell, Byron, Gaines, Caledonia and Bowne.

The eighteenth district shall consist of the counties of ^{Eighteenth.} Ionia and Montcalm.

The nineteenth district shall consist of the counties of ^{Nineteenth.} Gratiot and Clinton.

The twentieth district shall consist of the counties of ^{Twentieth.} Huron and Sanilac.

The twenty-first district shall consist of the counties of ^{Twenty-first.} Lapeer and Tuscola.

The twenty-second district shall consist of the county of ^{Twenty-second.} Saginaw.

The twenty-third district shall consist of the counties of ^{Twenty-third.} Muskegon and Ottawa.

The twenty-fourth district shall consist of the counties of ^{Twenty-fourth.} Bay and Midland.

The twenty-fifth district shall consist of the counties of ^{Twenty-fifth.} Isabella, Newaygo, Mecosta and Osceola.

The twenty-sixth district shall consist of the counties of ^{Twenty-sixth.} Oceana, Mason, Lake, Manistee and Benzie.

The twenty-seventh district shall consist of the counties ^{Twenty-seventh.} of Antrim, Charlevoix, Grand Traverse, Kalkaska, Leelanau and Wexford.

The twenty-eighth district shall consist of the counties of ^{Twenty-eighth.} Arenac, Alcona, Iosco, Oscoda, Ogemaw, Gladwin, Clare, Crawford, Roscommon and Missaukee.

The twenty-ninth district shall consist of the counties of ^{Twenty-ninth.} Alpena, Montmorency, Otsego, Presque Isle, Cheboygan, Emmet and Mackinac.

- Thirtieth.** The thirtieth district shall consist of the counties of Menominee, Delta, Schoolcraft, Luce and Chippewa.
- Thirty-first.** The thirty-first district shall consist of the counties of Iron, Baraga, Dickinson, Marquette and Alger.
- Thirty-second.** The thirty-second district shall consist of the counties of Gogebic, Ontonagon, Houghton and Keweenaw.
- Election returns, where made.** SEC. 2. The election returns of each county forming one district shall be made to the county clerk's office of said county. The election returns of each district composed of more than one county, shall be made to the county clerk's office of the county in which the largest total vote for presidential electors was cast at the last preceding presidential election. The election returns of each district composed of a portion of a county, shall be made to the county clerk's office of said county.
- Approved May 29, 1901.

[No. 190.]

AN ACT to amend the title and sections one, three and four of act number two hundred thirty-seven of the public acts of eighteen hundred eighty-one, entitled "An act to authorize and regulate, within this State, the business of plate glass, accident, live stock, steam boiler and fidelity insurance, and to repeal acts numbers [number] forty-two and seventy-two of the session laws of eighteen hundred seventy-seven," being sections five thousand one hundred ten, five thousand one hundred twelve and five thousand one hundred thirteen of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Title and sections amended.

SECTION 1. That the title of act number two hundred thirty-seven of the public acts of eighteen hundred eighty-one, be and the same is hereby amended so as to read as follows: "An act to authorize and regulate, within this State, the business of plate glass, accident, employers' liability, live stock, health, burglary, steam boiler, credit, casualty and fidelity insurance, and to repeal acts numbers forty-two and seventy-two of the session laws of eighteen hundred seventy-seven;" and that sections one, three and four of said act, being sections five thousand one hundred ten and five thousand one hundred twelve and five thousand one hundred thirteen of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

SECTION 1. No company, association, individual or association of individuals, formed under the laws of this or any other state or foreign government, whether incorporated or not, shall directly or indirectly transact the business either of plate glass, accident, employers' liability, live stock, health, burglary, steam boiler, credit or casualty insurance, or insure the fidelity of persons holding public or private trust in this State, without receiving a certificate of authority from the Commissioner of Insurance.

Not to transact business without certificate.

SEC. 3. Such individuals, companies or associations shall be required to comply with the laws of this State regulating the business of life insurance, in respect to the appointment of an attorney to receive process, and making annual statements of financial conditions, and with all the other requirements as far as applicable, and shall, as a condition precedent to the renewal of an annual certificate by the Commissioner of Insurance, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of policies issued by its agents, and procured by or written for sub-agents, solicitors or brokers upon property owned by residents of, or situate in the State of Michigan; also, a like statement of the accident or fidelity insurance business transacted in the State of Michigan, and the gross amount of premiums received or secured thereon, during the year then terminated; and shall pay into the hands of the State Treasurer a specific tax of two per cent on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered from any company neglecting or refusing to pay the same in any court at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on such corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act. The Commissioner of Insurance shall compute the reserve fund to be held by such companies or associations by taking fifty percentum of the premiums received upon all risks not expired at the time of making such computation. And in addition thereto in the case of corporations doing an employers' liability insurance, the Commissioner of Insurance shall compute the liabilities for unsettled claims in said employers' liability insurance business at not less than forty per cent of the premiums received and earned during each and every year less the amount paid for losses and expenses incidental thereto, upon claims brought under policies issued during said year: *Provided*, That such reserve shall not be computed for more than the five years previous to the time of making such computation: *Provided further*, That to the amount of the reserve so ascertained, there shall be added such amount as is necessary to provide for claims of earlier

To comply with State Laws.

Requirement precedent to renewal of annual certificate.

How Commissioner to compute reserve fund.

Proviso.

Further proviso.

date, not liquidated. Whenever the capital of any company or association authorized under this act shall become impaired to the extent of fifteen per cent, or shall otherwise become unsafe, it shall be the duty of the Commissioner of Insurance to cancel the authority of such company or association.

Word "company," how construed.

SEC. 4. The words "company" or "associations" as used in this act shall be construed to mean any company, association, corporation, partnership, individual or association of individuals doing or attempting to do business in this State under any charter, compact, agreement or statute of this or any other state or foreign government, or whether incorporated or not, involving a guaranty contract or pledge of insurance upon plate glass or steam boilers, or upon the life of domestic animals and loss by disease, accident, or theft of such animals owned or located in this State, or upon individuals, residents of this State, against disease or against personal injury, disablement or death resulting from accident, or against loss from burglary, theft or both, or against any other casualty specified in the charter which may lawfully be the subject of insurance, or guaranteeing the fidelity of any person holding public or private trust, or involving any contract to guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them.

This act is ordered to take immediate effect.

Approved May 29, 1901.

[No. 191.]

AN ACT to provide for the licensing and regulation of sales of goods, wares and merchandise by itinerant venders, and to repeal act number two hundred fifty-nine, public acts of the State of Michigan of eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Words "itinerant venders," how construed.

SECTION 1. The words "itinerant venders," for the purposes of this act, shall be construed to mean, and include all persons, both principals and agents, who engage in a temporary or transient business in this State, either in one locality, or in traveling from place to place selling goods, wares and merchandise, and who, for the purposes of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise. No itinerant vender shall be relieved or

exempted from the provisions and requirements of this act by reason of associating himself temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader, merchant or auctioneer.

SEC. 2. The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, or to hawkers on the streets, or peddlers from vehicles.

Act not to
apply to
commercial
travelers. .

SEC. 3. Every itinerant vender who shall sell or expose for sale at public or private sale, any goods, wares and merchandise, without State and local licenses therefor, issued as hereinafter provided, shall be guilty of a misdemeanor, and shall be punished for such offense by fine not exceeding one hundred dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Penalty for
selling with-
out license.

SEC. 4. All persons, both principals and agents, who shall by circular, handbill, newspaper, or in any other manner, advertise any such sales as those referred to in the section last preceding, before proper licenses shall be issued to the vender, shall be guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Penalty for
advertising
such sales.

SEC. 5. It shall be the duty of every itinerant vender, whether principal or agent, before commencing business to take out a State license, and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal officers to make such regulations relative to itinerant venders as may be permissible under the general law or under their respective charters.

Vender to
take out
license.

SEC. 6. Every itinerant vender desiring to do business in this State, shall deposit with the Secretary of State the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form, and the payment of a further sum of twenty-five dollars as a State license fee, the Secretary of State shall issue to him an itinerant vender's license, authorizing him to do business in this State in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vender, either by agent or clerk, or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid that principal, but not to act for or without him. No person shall be entitled to hold, or directly or indi-

With whom
to make
deposit,
amount.

State license
fee.

License not
transferable.

rectly receive the benefit of more than one State license at any one time, and any license obtained, held or used in violation of law is void.

Applications
for license to
be sworn to.

Record, by
whom kept.

To be open
to inspection.

SEC. 7. All applications for State licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interest said business is conducted, and shall be kept on file by the Secretary of State, and a record shall be kept by him of all licenses issued upon such applications. All files and records, both of the Secretary of State and of the cities, villages and townships relative to such licenses, shall be in convenient form and open for public inspection.

Local licenses,
how obtained.

Who to give
receipts.

Application,
what to con-
tain.

SEC. 8. Every itinerant vender intending to sell goods in any city, village or township, shall file his State license and an application for a local license with the treasurer of such city, village or township, and before selling, offering or exposing for sale any goods in such city, village or township shall pay to the treasurer thereof, for the use thereof as a further local license fee, for such sale in such municipality, a sum to be computed as provided in the next following section. A receipt for said local license fee when paid shall be endorsed by said treasurer on the back of such State license, which shall remain on file with such treasurer so long as such sale shall continue or such goods be kept, exposed or offered for sale in such municipality. Every application for a local license, shall be signed by the holder of the accompanying State license, and shall specify the kind and line of goods then in stock in such municipality, the name of the municipality from which said goods were last shipped, and the name of the municipality in which said goods were last exposed or offered for sale. Such local license fee shall be computed and collected in each municipality respectively in which said goods shall be successively offered or exposed for sale.

Who treasurer
to notify of
applications.

How amount
to be paid,
determined.

Local license,
what to
authorize.

SEC. 9. The treasurer of any city, village or township who shall receive an application in due form as provided in the last preceding section, accompanied by such applicant's State license, shall forthwith give notice thereof to the assessor or assessors of such city or village or to the supervisors of such township. Such supervisor, assessor or assessors, or a majority of such assessors if there shall be more than two in any municipality shall, as soon as practicable, examine the stock of goods described in such application, and shall compute and certify to such treasurer the amount of such applicant's local license fee for such intended sale in such municipality, which shall be a percentage on the full value of said stock of goods equal to the rate per cent of the last preceding tax levy of such municipality for all purposes, except for State and county purposes. The payment of said local license fee to said treasurer shall authorize such applicant who has complied with all other requirements of law to sell within the limits of said city, village or township,

such goods, wares and merchandise as are described in his application, and for that purpose to carry in stock in said city, village or township, goods only of the kind or line specified in his application, and not to exceed in amount at any one time the valuation on which his local license fee for such municipality was computed, and to continue in force so long as such licensee shall in good faith continuously keep, offer and expose for sale the same kind or line of goods specified in his application, except that such license and authority shall in any event terminate and expire on the first day of May next following the date of application. Any itinerant vender who, after applying or paying for a local license, shall increase his stock, kept, offered or exposed for sale, in the municipality for which such local license fee was paid, above the valuation on which such local license fee was computed, without first making seasonable written application to the treasurer of such municipality for a supplemental license for such excess of stock, shall be fined not less than twenty dollars nor more than fifty dollars, and for each day such excess of stock is kept, offered or exposed for sale, without payment of local license fee therefor, shall be fined not less than twenty nor more than fifty dollars, and forfeit his State license. Supplemental licenses shall be applied for and the fees thereof shall be computed, certified and collected in the manner provided for local license fees.

Penalty for increasing stock.

Supplemental licenses.

SEC. 10. Whoever, as proprietor or clerk, having in his care, custody or keeping, any goods for the sale of which a local license is required, neglects or refuses to file the application for local license required by law, or whoever makes a false or fraudulent representation or statement in any application for a local license, shall be fined not less than twenty nor more than fifty dollars for each day such goods are kept, offered or exposed for sale. The penalties provided in this act are not to be construed as substitutes for payment of local license fees.

Penalty for misrepresentation, etc.

SEC. 11. Every city, village and township in which is kept, exposed or offered for sale an itinerant vender's stock of goods shall have a lien on such goods for the amount due such municipality for local license fee on such stock, which may be enforced by suit, within ten days from the time when such goods were first publicly offered or exposed for sale in such municipality. Such suit may be brought in the name of such city, village or township, and may be begun by writ of attachment, provided some officer or agent of said municipality shall make and file an affidavit setting forth that such local license fee has not been paid, and that such goods have been publicly offered and exposed for sale in such municipality. When any person liable therefor neglects or refuses to pay the local license fee provided for in this act, the municipality in which such goods are offered and exposed for

Non-payment of license to constitute a lien.

How suit may be brought.

Action of assumpsit.

sale may maintain an action of assumpsit to recover the same, and such action may be begun by writ of attachment, which shall be issued upon the filing of the affidavit hereinabove provided for, and in such action a writ of garnishment may be issued to the Secretary of State as hereinafter provided, upon the filing of an affidavit by any officer or agent of such municipality, stating that he has good reason to believe and does believe that the said Secretary of State has in his hands or under his custody or control moneys belonging to the principal defendant, or that he is indebted to such principal defendant. It is made the duties of the treasurers of cities, villages and townships, of police officers and constables, to prosecute for violation of this act in their respective municipalities, and to report such violations promptly to the assessing officers thereof in order that they may be enabled to compute and certify the local license aforesaid.

Officers to
prosecute.

When fire
sale, etc.,
may be
advertised.

SEC. 12. No itinerant vender shall advertise, represent, or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, wholesaler or manufacturer, or closing out sale, or as a sale of any goods damaged by smoke, fire, water, or otherwise, or in any similar form, unless he shall before so doing state under oath to the Secretary of State, either in the original application for a State license or in a supplementary application subsequently filed, and copy on the license all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken, and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold.

Penalty for
false state-
ments.

SEC. 13. Any false statements in an application, either original or supplementary, for a license, and any failure on the part of any licensee to comply with all the requirements of the last preceding section shall subject said itinerant vender to the same penalty as if he had no license.

When license
to expire.

SEC. 14. All State licenses issued under this act shall expire by limitation one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto, for cancellation.

Who to cancel
license at
expiration.

SEC. 15. Upon the expiration and return or surrender of each State license, the Secretary of State shall cancel the same, endorse the date of delivery and cancellation thereon and place the same on file. He shall then hold the special deposit of each licensee hereinbefore mentioned, for the period of sixty days, and after satisfying any and all claims made upon the same under section sixteen shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

When special
deposit
returned.

SEC. 16. Each deposit made with the Secretary of State shall be subject, so long as it remains in his hands, to attachment and execution in behalf of creditors whose claims arise in connection with business done in the State, and the Secretary of State may be held to answer as garnishee defendant in any civil action brought against any licensee in any county in this State, and any process in garnishment issued in any such action may be served upon said Secretary of State by mailing the same to him at Lansing, and the Secretary of State shall pay over under order of court, or upon execution, such sum of money as he may be chargeable with upon his answer or otherwise. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violation of this act, and the clerk or recorder of the court in which, or the trial justice by whom such fine or penalty is imposed, shall thereupon notify the Secretary of State of the name of the licensee against whom such fine or penalty is adjudged, and the amount of such fine or penalty, and the Secretary of State, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum as specified to said clerk, recorder or trial justice, and if the Secretary of State shall not have a sufficient sum so deposited, he shall make payment as aforesaid of so much as he has in his hands. All claims upon deposit shall be satisfied after judgment, fine or penalty, in the order in which notice of the claim is received by the Secretary of State, until all such claims are satisfied, or the deposit exhausted, but no notice filed after the expiration of sixty days' limit aforesaid shall be valid. No deposits shall be paid over by the Secretary of State to the licensees so long as there are any outstanding claims or notices of claims against them, respectively, unless he is satisfied that such claims will not be prosecuted to final judgment, or that no fine or penalty will be imposed.

Deposit subject to attachment, etc.

Subject to fines, etc..

When deposits not to be turned over.

SEC. 17. Act number two hundred fifty-nine, public acts of the State of Michigan of eighteen hundred ninety-nine, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Repealing clause.

Approved May 29, 1901.

[No. 192.]

AN ACT to amend section three of act number eighty-three of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the incorporation of lodges of the Ancient Order of United Workmen, approved April twenty-second, eighteen hundred eighty-seven, being compiler's section eight thousand forty-nine of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section three of act number eighty-three of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the incorporation of lodges of the Ancient Order of United Workmen," approved April twenty-second, eighteen hundred eighty-seven, being compiler's section eight thousand forty-nine of the compiled laws of eighteen hundred ninety-seven, be amended to read as follows:

Acknowledg-
ment and fil-
ing of copy.

(8049) SEC. 3. Such articles of association shall be acknowledged before a notary public, and a copy thereof shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to sue and be sued, to have a common seal, which may be altered or changed at their pleasure, to receive, hold and enjoy, for themselves and their successors, estates, real and personal, and to give, grant, sell, lease, demise and dispose of such estates: *Provided*, That such real estate, and the proceeds, rents and incomes thereof shall be devoted exclusively to the charitable and benevolent purposes of the fraternity known as the Ancient Order of United Workmen. Said corporation shall have full power to make and establish rules, regulations and by-laws not repugnant to the constitution and laws of the United States or of this State, of the supreme lodge of the Ancient Order of United Workmen, and to designate, elect or appoint from its members, such officers, under such name and style as shall be in accordance with the constitution and laws of said supreme lodge. And said corporation shall have power to create, hold and disburse beneficiary, relief, guaranty, general or other funds for the benefit of sick or disabled members or of members of the families of deceased members of subordinate lodges of the Ancient Order of United Workmen, or of persons related to such members by blood, or who shall be dependent upon such members; to enter into arrangements or agreements with the supreme lodge or with the supreme lodge relief board, whereby, in the event

Proviso.

May make
by-laws, etc.

Elect or
appoint
officers.

May create
certain funds.

of an unusual number of deaths occurring in any one year among the members of the lodges subordinate to the jurisdiction of said grand lodge, or of any other grand lodge, or of the supreme lodge of the said order, said grand lodge may afford aid from its guaranty fund, or may itself receive aid, as the case may require; and to levy assessments upon members of subordinate lodges for the purpose of raising the beneficiary, relief, guaranty, general or other funds, and of carrying out such arrangements with the supreme lodge or with the supreme lodge relief board: *Provided*, That nothing in this section shall be construed as giving to a grand lodge power to make assessments for the purpose of paying sick benefits.

Assessments
for what
made.

Proviso.

Approved May 31, 1901.

[No. 193.]

AN ACT to amend section fifty-four of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," being compiler's section number three thousand eight hundred seventy-seven of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section fifty-four of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other

Section
amended.

acts and parts of acts in anywise contravening any of the provisions of this act," being compiler's section number three thousand eight hundred seventy-seven of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Collected
taxes, to
whom paid.

Collector to
make state-
ment of un-
paid taxes.

SEC. 54. Within one week after the time specified in his warrant the township treasurer or other collecting officer shall pay to the county treasurer all State and county taxes collected, and within the same time shall make his statement of unpaid taxes upon real and personal property as required in the following section.

Approved May 31, 1901.

[No. 194.]

AN ACT to amend section one of act number one hundred one of the public acts of eighteen hundred ninety-nine, entitled "An act appropriating money for improvements and repairs at the Michigan State Prison at Jackson and improving the sewerage in Grand river."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number one hundred one of the public acts of eighteen hundred ninety-nine, entitled "An act appropriating money for improvements and repairs at the Michigan State Prison at Jackson, and improving the sewerage in Grand river," be and the same is hereby amended so as to read as follows:

Appropriation.

SECTION 1. That the sum of seventy thousand five hundred dollars be and the same is hereby appropriated out of the general fund of the State, for the years eighteen hundred and ninety-nine and nineteen hundred, to be expended under the direction of the board of control of the Michigan State Prison, to wit: For building new kitchen and dining room, including ovens and refrigerator, complete, twenty thousand dollars; for building new wall on north side of prison yard, one thousand and five feet in length, five feet wide at base, three and one-half feet wide at top of wall, being an average height from base to top of thirty feet, including two guard houses and railroad gate entrance, twenty-two thousand five hundred dollars; for the purchase of two sixteen-feet, sixty-inch boilers, including boiler steam fixtures, boiler fronts, grates, and material and labor for setting of the same, the sum of five thousand dollars; for general repairs for the years eighteen hundred and ninety-nine and nineteen hundred, the sum of eight thousand dollars; for improving the sewerage on

Purposes.

Grand river, commencing at the north boundary line of the city of Jackson and running along banks of said Grand river up to or past prison grounds, and for constructing a system of intercepting sewers for the purpose of taking care of the prison sewerage, the sum of fifteen thousand dollars: *Provided*, That no portion of said amount, viz.: For intercepting sewer, shall be used until the board of said prison and the State Board of Corrections and Charities are fully satisfied that the city of Jackson will appropriate a sum sufficient to complete said intercepting sewers.

This act is ordered to take immediate effect.

Approved May 31, 1901.

[No. 195.]

AN ACT to amend section four, chapter one hundred ninety-three, of the revised statutes of the compiled laws of eighteen hundred ninety-seven, being compiler's section seven thousand one hundred ninety-three, relative to life insurance companies.

The People of the State of Michigan enact:

SECTION 1. That section four of chapter one hundred ninety-three of the compiled laws of eighteen hundred ninety-seven, being compiler's section seven thousand one hundred ninety-three, relative to life insurance companies, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 4. The capital of any stock company, organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders present or represented at any regular meeting called for the purpose, to not more than five hundred thousand dollars; and no such stock company, and no company organized to do business on the mutual plan, shall be authorized to issue policies or assume any risk whatever until they shall have deposited with the State Treasurer, as security for any liability to insured parties, stock or bonds of the United States or of this State, or of any city or county in this State authorized by act of legislature to issue the same, or first mortgage bonds of corporations organized under the laws of the State of Michigan, to the amount, in par value, exclusive of interest, of not less than one hundred thousand dollars, which stock or bonds shall be retained by the State Treasurer, Capital stock.
When policies may be issued.

dred and seventy-two of the public acts of eighteen hundred and ninety-nine, be and the same are hereby amended so as to read as follows:

CHAPTER IV.

Who to determine when tax to be raised.

SEC. 2. At the time and place of letting and before receiving any bids, the county drain commissioner shall have the right, and it shall be his duty to determine whether the whole of the per cent of taxes to be spread for benefits to lands in the construction of such drain shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within three years next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders; and the county drain commissioner shall also then and there announce for the information of bidders the per cent of tax to be assessed against any township or townships, and whether in his opinion it will be necessary to divide the amount thereof into installments as hereinafter directed: *Provided*, That the per cent of tax determined by the county drain commissioner to be assessed against townships in all cases where the amount thereof shall not exceed a sum equal to one-half of one per cent of the total assessed valuation of such township, shall be spread in the first year; and in case said amount shall exceed a sum equal to one-half of one per cent of the total assessed valuation of such township then the same shall be divided into installments, so that not more than one-half of one per cent of the total assessed valuation of such township shall be spread in the first year and a like sum shall be spread in each and every year thereafter until the amount of such total tax is spread.

Proviso as to amount to be assessed.

CHAPTER VI.

Who to make special assessment roll.

SEC. 2. The county drain commissioner shall thereupon make a special assessment roll for such drain for each township, or township and city, affected thereby, which roll shall be designated "(giving the name) drain special assessment roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent heretofore determined upon by him or by the board of review, as the case may be. He shall also enter thereon the amount of the per cent apportioned to such township or townships and any city or village, and in case such amount be payable in installments as provided by section two of chapter four

What to contain.

of this act, he shall also enter thereon a memorandum of the installments thereof and of the year or years when such installments shall be spread; and shall add a certificate in writing of his determination made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships, or of any city in which such lands may be located.

By whom
dated and
signed and
where filed.

Approved June 3, 1901.

[No. 201.]

AN ACT to amend act number two hundred six of the public acts of eighteen hundred ninety-nine, entitled "An act to authorize the formation of corporations for the prevention of cruelty to children, animals, birds and fowls," approved May twenty-fifth, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred six of the public acts of eighteen hundred ninety-nine, entitled "An act to authorize the formation of corporations for the prevention of cruelty to children, animals, birds and fowls," approved May twenty-fifth, eighteen hundred ninety-nine, be amended by adding a new section thereto, to stand as section six and to read as follows:

Act amended.

SEC. 6. The articles of association of corporations formed under this act may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting called therefor; said amended articles, with the action of the meeting at which they were adopted, to be filed without delay in the office of the Secretary of State, and such filing shall be necessary to the validity and force of such amended articles: *Provided however*, That the vote of a majority of all the members of such society shall be necessary to decide the questions of purchase, sale or transfer of property.

How articles
may be
amended.

Where filed.

Proviso.

Approved June 3, 1901.

dred and seventy-two of the public acts of eighteen hundred and ninety-nine, be and the same are hereby amended so as to read as follows:

CHAPTER IV.

Who to determine when tax to be raised.

SEC. 2. At the time and place of letting and before receiving any bids, the county drain commissioner shall have the right, and it shall be his duty to determine whether the whole of the per cent of taxes to be spread for benefits to lands in the construction of such drain shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within three years next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders; and the county drain commissioner shall also then and there announce for the information of bidders the per cent of tax to be assessed against any township or townships, and whether in his opinion it will be necessary to divide the amount thereof into installments as hereinafter directed:

Provido as to amount to be assessed.

Provided, That the per cent of tax determined by the county drain commissioner to be assessed against townships in all cases where the amount thereof shall not exceed a sum equal to one-half of one per cent of the total assessed valuation of such township, shall be spread in the first year; and in case said amount shall exceed a sum equal to one-half of one per cent of the total assessed valuation of such township then the same shall be divided into installments, so that not more than one-half of one per cent of the total assessed valuation of such township shall be spread in the first year and a like sum shall be spread in each and every year thereafter until the amount of such total tax is spread.

CHAPTER VI.

Who to make special assessment roll.

SEC. 2. The county drain commissioner shall thereupon make a special assessment roll for such drain for each township, or township and city, affected thereby, which roll shall be designated "(giving the name) drain special assessment roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent heretofore determined upon by him or by the board of review, as the case may be. He shall also enter thereon the amount of the per cent apportioned to such township or townships and any city or village, and in case such amount be payable in installments as provided by section two of chapter four

What to contain.

of this act, he shall also enter thereon a memorandum of the installments thereof and of the year or years when such installments shall be spread; and shall add a certificate in writing of his determination made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships, or of any city in which such lands may be located.

By whom
dated and
signed and
where filed.

Approved June 3, 1901.

[No. 201.]

AN ACT to amend act number two hundred six of the public acts of eighteen hundred ninety-nine, entitled "An act to authorize the formation of corporations for the prevention of cruelty to children, animals, birds and fowls," approved May twenty-fifth, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred six of the public acts of eighteen hundred ninety-nine, entitled "An act to authorize the formation of corporations for the prevention of cruelty to children, animals, birds and fowls," approved May twenty-fifth, eighteen hundred ninety-nine, be amended by adding a new section thereto, to stand as section six and to read as follows:

Act amended.

SEC. 6. The articles of association of corporations formed under this act may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting called therefor; said amended articles, with the action of the meeting at which they were adopted, to be filed without delay in the office of the Secretary of State, and such filing shall be necessary to the validity and force of such amended articles: *Provided however*, That the vote of a majority of all the members of such society shall be necessary to decide the questions of purchase, sale or transfer of property.

How articles
may be
amended.

Where filed.

Proviso.

Approved June 3, 1901.

[No. 202.]

AN ACT to amend section twenty-four of act number one hundred sixty-eight of the public acts of eighteen hundred sixty-one, entitled "An act to reorganize the Agricultural College of the State of Michigan, and to establish a State Board of Agriculture," approved March fifteenth, eighteen hundred sixty-one, the same being compiler's section eighteen hundred fifty-five of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-four of act number one hundred sixty-eight of the public acts of eighteen hundred sixty-one, entitled "An act to reorganize the Agricultural College of the State of Michigan, and establish a State Board of Agriculture," approved March fifteenth, eighteen hundred sixty-one, the same being compiler's section eighteen hundred fifty-five of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Faculty.

SEC. 24. The president, professors, farm manager and tutors shall constitute the faculty of the State Agricultural College. The president of the college shall be the president of the faculty, and the faculty shall select one of their own number to act as secretary of the faculty.

Approved June 3, 1901.

[No. 203.]

AN ACT making appropriations for the State House of Correction and Branch Prison, Upper Peninsula, for the fiscal year ending June thirtieth, nineteen hundred two, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. The sum of sixteen thousand six hundred thirty-five dollars is hereby appropriated for the fiscal year ending June thirtieth, nineteen hundred two, for the State House of Correction and Branch Prison, Upper Peninsula, for purposes and amounts as follows: For hose for fire protection, six hundred fifty dollars; for one cooking range, one hundred sixty dollars; for one vegetable cooker, one hundred dollars; for cementing reservoir, five hundred sixty dollars; for operating table and furniture for hospital, four hundred ninety

Purposes.

dollars; for general repairs, three thousand dollars; for lighting plant, sixteen hundred seventy-five dollars; for new dining room and kitchen complete, including plumbing, heating and lighting, ten thousand dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire sixteen thousand six hundred thirty-five dollars available for the purposes stated herein: *Provided further*, That the board of control may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available. Proviso.
Further proviso.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the warden of the State House of Correction and Branch Prison, Upper Peninsula, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of sixteen thousand six hundred thirty-five dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved June 3, 1901.

[No. 204.]

AN ACT to increase the efficiency of the military establishment of the State of Michigan, and to repeal all former acts or parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. All able-bodied male citizens of Michigan, including those of foreign birth who have declared their intention to become citizens of the United States, residing therein, of the age of eighteen years, and under the age of forty-five years, and not exempted by the laws of the United States or of this State, shall be enrolled in the militia and be subject Who subject to military duty.

[No. 202.]

AN ACT to amend section twenty-four of act number one hundred sixty-eight of the public acts of eighteen hundred sixty-one, entitled "An act to reorganize the Agricultural College of the State of Michigan, and to establish a State Board of Agriculture," approved March fifteenth, eighteen hundred sixty-one, the same being compiler's section eighteen hundred fifty-five of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-four of act number one hundred sixty-eight of the public acts of eighteen hundred sixty-one, entitled "An act to reorganize the Agricultural College of the State of Michigan, and establish a State Board of Agriculture," approved March fifteenth, eighteen hundred sixty-one, the same being compiler's section eighteen hundred fifty-five of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Faculty.

SEC. 24. The president, professors, farm manager and tutors shall constitute the faculty of the State Agricultural College. The president of the college shall be the president of the faculty, and the faculty shall select one of their own number to act as secretary of the faculty.

Approved June 3, 1901.

[No. 203.]

AN ACT making appropriations for the State House of Correction and Branch Prison, Upper Peninsula, for the fiscal year ending June thirtieth, nineteen hundred two, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. The sum of sixteen thousand six hundred thirty-five dollars is hereby appropriated for the fiscal year ending June thirtieth, nineteen hundred two, for the State House of Correction and Branch Prison, Upper Peninsula, for purposes and amounts as follows: For hose for fire protection, six hundred fifty dollars; for one cooking range, one hundred sixty dollars; for one vegetable cooker, one hundred dollars; for cementing reservoir, five hundred sixty dollars; for operating table and furniture for hospital, four hundred ninety

Purposes.

dollars; for general repairs, three thousand dollars; for lighting plant, sixteen hundred seventy-five dollars; for new dining room and kitchen complete, including plumbing, heating and lighting, ten thousand dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire sixteen thousand six hundred thirty-five dollars available for the purposes stated herein: *Provided further*, That the board of control may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available. Proviso.
Further proviso.

SEC. 2. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the warden of the State House of Correction and Branch Prison, Upper Peninsula, at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder. How paid.

SEC. 3. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of sixteen thousand six hundred thirty-five dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated. Tax clause.

This act is ordered to take immediate effect.

Approved June 3, 1901.

[No. 204.]

AN ACT to increase the efficiency of the military establishment of the State of Michigan, and to repeal all former acts or parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. All able-bodied male citizens of Michigan, including those of foreign birth who have declared their intention to become citizens of the United States, residing therein, of the age of eighteen years, and under the age of forty-five years, and not exempted by the laws of the United States or of this State, shall be enrolled in the militia and be subject Who subject to military duty.

Who exempt.

When subject
to active mili-
tary duty.

Who to make
lists of per-
sons liable
to duty.

Compensation
for enrolling
names.

Penalty for
neglect of
duty.

to military duty. In addition to the persons exempted by the laws of the United States the following persons shall be exempt from military duty, namely: Officers of the State government; judges of the supreme, circuit, district and probate courts; members of the legislature; officers and guards of the State prisons, houses of correction and other State institutions; keepers of poor houses, officers, attendants and assistants; firemen after seven years' service as such; officers who have held commissions in the regular or volunteer army or navy of the United States; commissioned officers of the militia of this State who have served in said militia fully uniformed and equipped according to law and regulations for the term of six years and who have resigned after such service, or been honorably discharged; all county officers, except notaries public; all teachers engaged in public institutions and public schools, and ministers of the gospel. The enrolled militia shall not be subject to active military duty except when called into the service of the State, or of the United States, in case of war, rebellion, invasion, the prevention of invasion, the suppression of riots, tumults and breaches of the peace, or to aid civil officers in the execution of the law and the service of process, in which case they, or so many of them as the necessity requires, may be ordered out for actual service by draft, or otherwise, as the Governor may direct. The portion of the enrolled militia ordered out or accepted shall be mustered into service for such period as may be required, and the commanding officer may assign them to existing organizations of the active militia, or organize them as the exigency of the occasion may require.

SEC. 2. The officers acting as supervisors of every township, ward or city shall immediately upon an order from the Governor of this State to that effect, return a list of the names of all persons who are liable to perform military duty residing in their township, ward or city, to the county clerk, who shall within twenty days after the receipt of such return, number the names and file the lists in his office and return the aggregate number of all the persons so enrolled in his county to the adjutant general. The supervisors shall have power to question under oath, which they are hereby authorized to administer, any person deemed liable to perform military duty, but who denies the same, and if any person refuses to be sworn the supervisor shall enroll his name in the same manner as though he had admitted his liability. Upon the return of the supervisor's list to the county clerk, properly certifying that he has enrolled all persons who are liable to perform military duty residing in his township, city or ward, he shall be paid two cents for each person so enrolled out of the treasury of the county. If any supervisor or county clerk shall wilfully neglect or refuse to perform the duty enjoined upon him by this act, the person or persons guilty of such refusal or neglect shall be liable to a penalty

of not less than one hundred nor more than five hundred dollars, to be recovered by action of debt before any court of competent jurisdiction, in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney of the county in which such action shall be brought to prosecute the same. All moneys accruing from such prosecution shall, after deducting the legal costs and charges, be paid into the county treasury. In cases where such lists are not made out and filed as herein provided, and when the same may be deemed absolutely necessary to the public safety, the Governor is authorized to cause such lists to be made by any other suitable person, to be by him designated, who shall have the same powers and receive therefor the same compensation as provided herein for supervisors.

Moneys accruing from prosecution, where paid.

SEC. 3. In case of actual or threatened war against, insurrection in, or invasion of the State, or in case of actual rebellion in or war against the United States, or in case the president of the United States shall make a requisition on the Governor of this State, the commander-in-chief may order out by draft, voluntary enlistment or otherwise, the whole or so much of the militia of the State as the public necessity demands, and he may also in like manner order out any portion of the militia for the service of the State to suppress riots and to aid civil officers in the execution of the laws of this State or of the United States; he may appoint the number by draft according to the population of the several counties of the State, or otherwise, as he shall direct, and shall notify the sheriff of each county from which any draft is so required of the number of persons his county is to furnish. Upon the requisition of the commander-in-chief being received by the sheriff he shall immediately personally notify the county clerk, or in case of the absence of such clerk or his inability to act then his legally authorized deputy or deputies, who shall repair to the office of the county clerk and in public shall copy by name or number from the supervisor's roll of each township, city or ward of such county, all persons who are so returned as liable to perform military duty; such names or their corresponding numbers shall be placed on slips of paper of the same size and appearance, as near as practicable, which slips so named or numbered shall be placed in a box suitable for that purpose and the number required to fill such draft or requisition shall be drawn therefrom in the same manner as jurors are by law now drawn. All persons so drawn and liable to perform military duty shall be determined to be legally held to serve in the manner and for the purpose and time specified in the requisition, and the sheriff shall notify the persons so drafted orally, or in writing, at what time and place they shall appear.

When and how militia ordered out.

How number by draft appointed.

Duty of sheriff and clerk.

How names drawn.

Persons to be notified.

SEC. 4. Every person so ordered out, or who shall volunteer, or is drafted, and who shall not appear at the time and place designated by such sheriff or other proper officer, or

When deemed soldier absent without leave.

When soldiers
may be
arrested.

who shall not produce some able-bodied or proper substitute at such time and place, or shall not pay to such sheriff for the use of the State the sum of three hundred dollars within twenty-four hours from such time, shall be deemed to be a soldier in actual service absent without leave and be liable to a penalty of three hundred dollars. Should the officer detailed for the purpose be unable to secure any soldier so drafted, the sheriff of the county shall, upon notice thereof, be authorized and required to arrest such soldier and notify the prosecuting attorney thereof, who shall prosecute such delinquent before any court having jurisdiction for the recovery of the penalty aforesaid, and the person so arrested may be released from all such obligations and penalties on the enlisting and mustering of an acceptable substitute and the payment of the cost of prosecution.

How militia
organized.

SEC. 5. Whenever the militia shall be ordered out under the provisions of this act as specified in section three, they may be organized by the Governor, as commander-in-chief, with the advice of the State Military Board, into companies, regiments, brigades and divisions, which formations shall correspond, as near as may be, in all respects with like formations of the regular army in the same arm of the service, and the same shall be numbered and proper record thereof made in the office of the adjutant general, and such forces shall be officered, instructed and governed according to the laws of this State, and of the United States. Each enlisted man before being mustered into the service shall be subjected to a competent physical examination to determine as to his physical soundness, and all commissioned officers shall be examined by a competent board of examiners to be designated by the State Military Board as to their ability and fitness to command. The arms, clothing, equipments and subsistence to be furnished by the State when the militia is in the field in accordance with the purposes of this act shall, as near as possible, be the same as furnished by the general government for the regular and volunteer army of the United States, and while in actual service, they shall receive the same compensation as allowed soldiers in the army of the United States. The commander-in-chief may divide the State for the enrolled militia into districts, assigning to each district its proportionate force, and when so divided and districted, the same shall be officered according to his judgment and discretion, with the advice of the State Military Board.

Physical
examination.

Arms,
clothing, etc.

May divide
State into dis-
tricts.

Additional
companies.

Number and
rank of
officers.

SEC. 6. In case of actual or threatened war, invasion, insurrection or rebellion, additional companies or regiments of infantry, cavalry, artillery, signal corps and corps of engineers, may be authorized by the commander-in-chief and organized and paid in the same manner as similar organizations existing at the time in the army of the United States. The maximum number of commissioned officers, non-commissioned officers, musicians, farriers, artificers, wagoners and

privates of said companies of infantry, cavalry, mounted riflemen and light artillery, respectively, and the rank of said officers shall be the same as that now or hereafter established by the war department, or the congress of the United States, for the arms of the service to which such companies severally belong. The minimum number of said companies shall be such as the commander-in-chief, by the advice of the State Military Board, may establish. When troops of the State of Michigan are called into the field, for the purpose of recruiting them originally or keeping organizations up to the maximum strength, the Governor may detail officers of the National Guard to act as recruiting officers and paymasters and assign them to duty at such points in the State as he may designate. Such officers may be of any rank not higher than major and shall be paid the pay proper of officers of like grade in the United States army or navy. In case the recruits so enlisted for the infantry arm of the service shall not be needed to fill the regiments in active service, or in case it shall be advisable to organize volunteer regiments, the Governor by, and with the advice and recommendation of the State Military Board, may organize regiments of twelve companies each, each company to consist of not less than sixty-three nor more than one hundred fifty enlisted men, with the same number of non-commissioned officers and musicians and the same number of company officers of the same rank as are provided for in this act. Skeleton regiments may be formed and recruited. The non-commissioned staff shall be the same as that of an infantry regiment of the United States army. The commissioned officers of regiments so organized shall be appointed and commissioned by the Governor, after being examined by a competent board of examiners, to be designated by the State Military Board as to their fitness to command. Regimental bands may be enlisted and mustered and shall consist of like number of musicians as the band of an infantry regiment in the United States army. Officers and enlisted men shall be paid from the time they are placed on duty with the pay of like grades in the United States army. Artillery and cavalry and naval organizations may be enlisted, and in case they shall be, these arms of the service shall be organized in the same manner as the regular establishment of the United States army and navy are organized in time of war, and the foregoing provisions as to recruiting and recruiting officers shall apply to their organization. Camps of instruction may be ordered. Wherever the organization of troops or naval forces under this act is not herein specifically provided for, such organization shall, as nearly as may be, conform to the laws, regulations and customs of service of the United States army or navy. Whenever in the discretion of the Governor the necessity for an increased strength of the companies of the Michigan National Guard then within the State of Michigan shall no longer exist, he

Recruiting
officers.

Rank.

When volun-
teer regiments
to organize.

Skeleton
regiments.
Non-commis-
sioned staff.
Commis-
sioned officers.

Bands.

Artillery,
cavalry and
naval organiz-
ations.

When organi-
zation of
troops, etc.,
not provided
for.

When and how
companies
reduced.

Who to be mustered out.	<p>shall reduce such companies to the maximum strength provided for under this act. Such reduction shall be accomplished by mustering out all men unfit for service and in the discretion of the Governor all who shall apply for discharges. If these cases fail to reduce any company to its maximum strength, then such enlisted men as shall be recommended by their company commanders for muster out shall be honorably discharged. If four company officers still remain to the companies, the junior second lieutenant shall be mustered out. All such musters out and discharges shall be honorable, unless reasons exist under military law for musters out and discharges of a different nature in individual cases. In case the congress of the United States shall pass laws applying to the military or naval forces of all the states, or the president shall call for different organizations of troops from that herein provided, this section shall be in force only so far as it is not in conflict with the laws of the United States or with the call of the president. In either case above mentioned, troops shall be organized in accordance with the laws of the United States or the president's call, as the case may be.</p>
• Musters out, etc., to be honorable. Act not to interfere with United States laws.	<p>Officers of the line, staff and general staff not on duty outside the State, may be assigned to active duty in connection with the organization of troops under the provisions of this section in accordance with their rank, and when so assigned shall receive the same pay as officers of like grade in the United States army.</p>
Michigan national guard, etc.	<p>SEC. 7. The active militia shall be composed of volunteers between the ages of eighteen and forty-five years, to be known as the Michigan National Guard, and the active naval militia known as the Michigan State Naval Brigade, and in case of war, rebellion, invasion, the suppression of riots, or the aiding of civil officers in the execution of the laws of the State, shall be the first to be ordered into service. Minors over the age of eighteen years may be admitted into any company of the Michigan National Guard, with the consent in writing of their parent, or guardian, or if they have none, with the consent in writing of a justice of the peace of the township or city in which they reside. Every applicant for admission to the Michigan National Guard as a volunteer, shall furnish satisfactory evidence of good character, and before being accepted or mustered into the service, shall submit to a physical examination under regulations adopted by the State Military Board; and no such applicant shall be admitted or mustered into the service of the State as a member of the Michigan National Guard unless after such examination it shall be determined by the medical officer or officers making the same, that he is in every respect in sound bodily health. No volunteer shall be accepted or mustered as a member of any company of the Michigan National Guard who does not reside within a radius of six miles from the armory of the company</p>
Minors, how admitted.	
To furnish evidence of good character.	
To submit to physical examination.	
Residence.	

in which he proposes to enlist. No one shall be commissioned as an officer in any company, regiment or brigade of the Michigan National Guard, or Michigan State Naval Brigade except as hereafter provided, until his fitness for the position shall have been determined and certified to by an examining board to be designated by the State Military Board.

Fitness, etc.,
to be deter-
mined.

SEC. 8. Before any person shall be mustered into the service of the State under the provisions of this act, he shall take the following oath (or affirmation), which shall be administered to him by the mustering officer or by some person authorized to administer oaths: "I,, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America, and to the State of Michigan; that I will serve them honestly and faithfully against all their enemies and opposers whomsoever, and that I will observe and obey the orders of the President of the United States, the Governor of this State, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States, and of this State." The mustering officer, or the officer administering such oath or affirmation, shall certify on the muster roll that the persons whose names appear thereon did take the said oath or affirmation, which certificate signed by him shall be sufficient evidence that the persons named therein did take the said oath or affirmation before him. All officers of the military force of this State shall be empowered to administer oaths of enlistment, and the same shall have as full force and effect as if made before a civil magistrate, or other officer competent to administer oaths. All officers commissioned for service in the Michigan National Guard shall, before entering upon their duties, take and subscribe the prescribed constitutional oath of office, which oath shall be filed with the adjutant general.

Oath.

Mustering
officer to
certify.

Who may ad-
minister
oaths.

Oath of com-
missioned
officers.

SEC. 9. The Michigan National Guard shall be composed of not less than forty companies of infantry, one company of which may be organized by the commander-in-chief with the advice of the State Military Board to act as a signal corps: *Provided*, That if more than forty companies are organized, at least one shall be composed of colored men: *Provided*, further, That it shall be lawful to procure not to exceed four automatic guns or other repeating or revolving guns, and to provide for their use by said companies of infantry, or detachments therefrom, and all of which force shall be under such rules and regulations as may be prescribed for the service by the State Military Board.

Of what guard
composed.

Proviso.
Further
proviso.

SEC. 10. Each regiment of infantry shall consist of the same number of battalions and companies, of officers, non-commissioned officers and musicians as shall be prescribed from time to time for like organizations in the United States army, as near as may be, subject to the rules and regulations pre-

Regiments
of infantry.

To conform to requirements of U. S. army.	scribed by the State Military Board. The formation, composition and size of each company and regimental band shall conform to the requirements of bands in infantry regiments of the United States army, as near as may be, subject to the rules and regulations adopted by the State Military Board:
Proviso.	<i>Provided</i> , That the commander-in-chief may in lieu of a regimental band employ a band for service with the regiment or independent battalion while on duty in camp or field, such band and every member thereof when so employed to be amenable to established military laws and regulations. The term of enlistment in the Michigan National Guard shall be for three years, and company officers, except when elected to fill a vacancy, shall be commissioned for a term of three years and until their successors shall be commissioned.
Term of enlistment, etc.	
Brigadier general, how appointed.	SEC. 11. Upon the expiration of the commission of the brigadier general commanding when this law shall take effect, the commander-in-chief shall appoint and commission his successor for a term of three years from among the active officers above the rank of captain of the Michigan National Guard; and thereafter every three years a brigadier general shall be appointed and commissioned in like manner. All vacancies in the field officers of a regiment shall be filled at an election, the time and place of holding which shall be fixed by the adjutant general. Said election shall be by ballot and all field officers so chosen must receive a majority of all the votes cast. All commissioned officers attached to companies belonging to such regiment, together with the majors commanding battalions and the colonel and lieutenant colonel, shall be entitled to vote. Ten days' notice of the time and place of holding such election shall be given each officer entitled to a vote therein. Only captains of companies in the battalion where a vacancy in the position of major has occurred shall be eligible to election as major of such battalion; and no active officer below the rank of major shall be eligible for election to the position of colonel or lieutenant colonel. The brigade staff shall consist of one assistant adjutant general, one quartermaster, one inspector general, each with the rank of major, and two personal aides with the rank of first lieutenant, to be appointed by the commander-in-chief on the recommendation of the brigade commander. No person shall be appointed or commissioned as a staff officer of any brigade or regiment in the Michigan National Guard (except as medical officer or chaplain), who has not previously served two years or more in the National Guard or in the regular or volunteer service of the United States army as a commissioned officer, or enlisted man, or both. Commissioned officers shall take rank according to the dates of their commissions. The day of the appointment or election of any officer shall be expressed in his commission and be considered as the date thereof. The staff of the commander-in-chief shall consist of the adjutant general, the
Vacancies, how filled.	
Election.	
Who entitled to vote.	
Notice of election.	
Who eligible to election.	
Brigade staff.	
Staff officers, who eligible.	
Staff of commander-in-chief.	

inspector general, the quartermaster general, the assistant adjutant general, the assistant inspector general, the assistant quartermaster general, four aides-de-camp, the judge advocate and the military secretary. The adjutant general, Rank. the inspector general and the quartermaster general shall have the rank of brigadier general, and their respective assistants and four aides-de-camp shall have the rank of colonel; the judge advocate and the military secretary shall have the rank of major. The commander-in-chief may, upon the recommendation of the State Military Board, appoint an additional assistant adjutant general, assistant inspector general or assistant quartermaster general who shall have the rank of captain, and who shall be members of the commander-in-chief's staff.

SEC. 12. The time, place and manner of holding and conducting elections for company officers shall be prescribed by the State Military Board, with the approval of the commander-in-chief, and any vacancies occurring shall be filled in the manner prescribed in such regulations: *Provided*, That Election of company officers. no election for military officers shall be held on the first day of the week, nor on days appointed by law for the election of any United States, State, county, township or city officers. Proviso.

SEC. 13. Companies may elect their own officers in the manner to be prescribed in general regulations adopted by the military board with the approval of the commander-in-chief. Regimental adjutants, battalion adjutants, quartermasters and commissaries shall be appointed as far as practicable from among the commissioned officers of the respective regiments; sergeants major, quartermaster sergeants and commissary sergeants from the best qualified men of companies by the colonel of their respective regiments: *Provided*, Officers elected and appointed. That no officers of companies shall be commissioned by the commander-in-chief without the certificate of the examining board as herein provided, of their fitness and qualifications for such commission after a full and fair examination. In case of a failure to elect at an election within five days for company officers in any organization of the Michigan National Guard, the proceedings at the election shall be at once returned to the adjutant general, and the commander-in-chief shall appoint and commission officers to fill the positions for which such election was held; such appointments shall be for the same term as if such officer had been elected, and the appointee shall take rank from the date of appointment. The returns of all company elections of commissioned officers and appointments of brigade and regimental staff officers shall be made to the superior officer, and by him to the adjutant general within ten days from the time of such election. All commissioned officers shall be commissioned by the commander-in-chief, according to the respective offices and grades to which they may be elected or appointed. Every non-commissioned officer's warrant shall be given and signed by the To whom election returns made.

commanding officer of his regiment. Armorers and clerks of companies shall be appointed by their captains, unless otherwise provided by their articles of association.

Company may
adopt consti-
tution, etc.

SEC. 14. Any company may adopt such constitution and by-laws for its government and discipline, not inconsistent with this act and the regulations to be prescribed by the State Military Board, as a majority of the members of the company shall deem proper, and the commanding officer may recommend the dishonorable discharge from the service of any member of the company for offenses against such constitution and by-laws, or against the rules and regulations established by the State Military Board, or against the articles of war of the United States, and such recommendations shall be sufficient cause for the commander-in-chief to discharge such member from the service. All fines imposed in pursuance of such constitution and by-laws shall be enforced and collected as hereinafter provided. All moneys received by commanding officers of companies for the use of such companies, except as herein provided, shall be appropriated by a majority vote of the company or in pursuance of the by-laws of such company.

Fines.

Returns, by
and to whom
made.

SEC. 15. Company, regimental and brigade commanders shall make returns through regular channels to the adjutant general in accordance with the regulations therefor in the army of the United States and the rules and regulations prescribed by the State Military Board.

Compensation
of officers in
active service.

SEC. 16. The pay and allowance to officers in time of actual service shall be the same as the pay and allowances of officers of the same grade in like service in the army of the United States. Captains of companies shall give bonds in such sum and with such surety or sureties as shall be required by the military board, for the care and safe keeping of all arms, equipments and military property of the State which may at any time be under their charge and control, and to account for the same, which bonds shall be approved by the State Military Board. Upon the giving of such bonds, and their approval as aforesaid, captains of companies of the Michigan National Guard shall be entitled to pay at the rate of \$100 per annum, payable yearly by the quartermaster general. The adjutant and quartermaster of each brigade, regimental and independent battalion organization shall each receive for his services as such, the sum of one hundred dollars per year, payable yearly by the quartermaster general.

Captains to
give bonds.

Compensation.

By and to
whom
military prop-
erty loaned.

SEC. 17. The quartermaster general shall deliver as a loan from the property of the State to the commanding officer of each brigade, regiment or company of the Michigan National Guard such tents, fixtures, arms and equipment, camp equipage, and such other military property as may be necessary; and each officer to whom such property is delivered, shall receipt for and be responsible for the safe keeping of the same; and in case of the discharge or death

Officer to
receipt.

of such officer, he or his legal representative shall be released from such responsibility upon filing in the office of the quartermaster general a bond with sufficient sureties, or the certificate of the officer succeeding him in command that the articles so furnished are, at the date of the certificate, in good order and condition, reasonable use and wear thereof excepted. All accounts shall be finally settled by the quartermaster general. The quartermaster general, on the written application of the commander of a company of the Michigan National Guard duly organized, shall furnish suitable arms and equipments at the expense of the State, and a sum not to exceed four hundred dollars a year for armory rental. Whenever any articles are furnished as aforesaid to any of the Michigan National Guard, the same shall be deposited and kept in such armory.

Who to furnish military supplies.

SEC. 18. The commander-in-chief may from time to time require the inspector general to examine any armory, or arms, provided as aforesaid, and report to him the condition thereof and of the arms therein deposited, and if it shall appear satisfactorily to the inspector general that any arms, ordnance or other property of the State already distributed, or which may hereafter be distributed, to any company, has not been safely kept, or properly housed, or has been injured or loaned, or used for other purposes than on military occasions, he shall prosecute the bond given by the commanding officer of such company, and he shall take away such property from such company and report such company to the commander-in-chief, who shall disband the same at his discretion. For this purpose, the inspector general may inspect, or cause to be inspected or examined at any time, at his discretion, the arms and property aforesaid.

Inspector to examine and report condition of armories, etc.

SEC. 19. Any person who shall sell, retain, conceal or have in possession any arms, ordnance, military stores or other property of the State of a military character, the same not having been delivered to him by any person thereto authorized, or who shall retain or refuse to deliver the same to the quartermaster general, or his order, or to any officer of the adjutant general's, inspector general's or quartermaster general's department, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not to exceed five hundred dollars, or imprisoned in the county jail not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

Unlawful possession of military property.

Penalty.

SEC. 20. The commander-in-chief, by and with the advice of the State Military Board, is hereby authorized and empowered to establish annually one or more camps in suitable places for the instruction of the Michigan National Guard, and shall procure suitable tents, camp equipage, utensils and ammunition for the accommodation and use of troops in said camps, and may order into said camp or camps, to be

Camps for instruction.

kept therein for such period of time as he may deem expedient, not exceeding ten days, any company or regiment, and may designate the officer to command such camp or camps.

Authority of
officers in com-
mand limited.

SEC. 21. The authority of the officer or officers in command of the camps respectively, may be extended by order of the commander-in-chief to a distance of one mile around such camps, and upon such external space no persons other than the owners of the same, with their servants, for the purpose of occupying and improving the same, in the same manner and way they occupied and improved the same at the time such camps shall be established, shall be allowed to enter, except under such rules as shall be established by the commanding officers of the camps respectively with the approval of the commander-in-chief or by special permission of the officer in command for the time being, or some officer by him designated, and if any person shall so enter he may be immediately expelled.

Troops to be
inspected.

SEC. 22. At each encampment of the Michigan National Guard the inspector general or his assistants shall inspect such troops. He shall take an accurate account of the quality and condition of the arms, accoutrements and clothing of both officers and men, and report thereon in writing to the commander-in-chief.

Commander to
report.

SEC. 23. The commander of a company, within ten days after each annual tour of camp duty, shall make a correct alphabetical pay roll of his company, containing the names of the members who appeared armed, uniformed and equipped, and performed all the duties required on the days of encampment, and showing the duties done by each member, and transmit the same in duplicate, certified under his oath to be correct and true, to the adjutant general, and the whole number so returned shall in no case exceed the maximum number allowed to his company by section ten. A commanding officer of a company who neglects to make the returns herein required shall forfeit twenty-five dollars, and for making a false return in any case, shall forfeit one hundred dollars, to be prosecuted for by the adjutant general in any court of competent jurisdiction.

Penalty for
neglect.

Commanding
officers to
make pay roll
and report.

SEC. 24. Commanding officers in camp shall, within ten days after each annual encampment, make and transmit to the adjutant general a certified pay roll, in duplicate, of the general, field and staff officers, and members of one band of music to each regiment present and on duty at the said encampment, specifying the name, rank, duty done by each one who has appeared armed, uniformed and equipped, and performed duty on any day. For neglect to make such return, such commanding officer shall forfeit fifty dollars, and for making a false return in any case, two hundred dollars, to be prosecuted for by the adjutant general. The adjutant general shall, without delay, extend said pay rolls in accordance with the provisions for pay of the troops in section

Penalty for
neglect, etc.

twenty-five, and shall transmit one copy of the same to the quartermaster general and one to the Auditor General.

SEC. 25. All officers, non-commissioned officers, musicians, members of bands and privates, shall receive for each day actually spent by them on duty in the annual encampment authorized by this act, or on any duty under orders of the commander-in-chief, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the following compensation, together with the necessary transportation, to wit: To each private, non-commissioned officer and musician, not less than one dollar and twenty-five cents per day, and the State Military Board shall allow seventy-five cents per diem as commutation of rations. To all commissioned officers of the line and to the field, staff and other commissioned officers, the pay as fixed by the United States army regulations of officers of the army of the same rank in the service of the United States: *Provided*, That in the case of all officers who under this act or the regulations of the State Military Board are paid an annual salary of more than one hundred dollars, this pay shall be in lieu of such annual salary during the time for which it is paid: *And provided further*, That any officer, musician or soldier guilty of intoxication or drunkenness at any annual encampment, or on the way to or from such encampment, shall forfeit all pay for that entire tour of camp duty, and it shall be the duty of the officer charged with making the pay rolls to note the fact of intoxication or drunkenness against the name of the person guilty thereof.

Compensation
of officers, etc.

Proviso.

Further
proviso.

SEC. 26. As soon as possible after obtaining the pay rolls, the quartermaster general shall pay such officers, musicians, members of the band and privates, as shall have done duty at the annual encampment, the amount due them therefor under the provisions of this act, as shown by the pay rolls. Payment may be made to the commanding officer of a company, or the master of a band, upon the written order of the members thereof performing duty as aforesaid.

When officers
etc., are paid.

SEC. 27. For the purpose of providing the expenses necessary to carry out the provisions of this act, it shall be the duty of the Auditor General, at the time of apportioning the State taxes, to apportion among the several counties of the State each year in proportion to the whole amount of real and personal property therein as equalized by the State Board of Equalization, a sum equal to five cents for each person who, as it shall appear by the last preceding census was a resident of this State, which sum so apportioned shall be collected in the same manner as other State taxes, and shall constitute the State military fund.

What consti-
tutes military
fund.

SEC. 28. All expenses incurred for the maintenance of the military forces of this State by virtue of any of the provisions of this act shall be paid by the State Treasurer from

Expenses, by
whom paid.

and out of the State military fund in the State treasury, upon the warrant of the Auditor General.

Warrant for expenses.

SEC. 29. The Auditor General shall, and he is fully authorized and empowered to draw his warrant upon the State Treasurer for all expenses made or created under this act upon the estimates of the quartermaster general, approved by the commander-in-chief and the State Military Board:

Proviso.

Provided, That the accounts and vouchers for the expenditure of money drawn by the quartermaster general on previous estimates, shall be filed with and audited by the Auditor General before he shall issue his warrant for any new estimate: *Also provided*, That whenever, by any sudden emergency, it is necessary for the commander-in-chief to call out the troops, or any portion thereof, to suppress riots or disorders, money may be drawn upon the estimate of the quartermaster general properly approved by the commander-in-chief and State Military Board without waiting for the auditing of accounts and vouchers on previous estimates.

Uniform, etc., of companies.

SEC. 30. In accepting and uniforming new companies, in providing armory rental, and in ordering annual encampments, the commander-in-chief and the State Military Board shall at all times be restricted and governed by the limits of the State military fund, to the end that no costs or expenses shall be incurred beyond the amount which the moneys in that fund will defray.

Of commissioned officers.

SEC. 31. All commissioned officers shall provide themselves with such uniforms and arms complete as the State Military Board, with the approval of the commander-in-chief, shall prescribe, subject to such restrictions, limitations and alterations as he may order.

Non-commissioned officers.

SEC. 32. Every non-commissioned officer, musician and private of a company duly organized under the military laws of this State shall be furnished with a uniform at the expense of the State. The said uniform shall be furnished by the quartermaster general upon the requisition of the officer commanding the company to which he belongs, approved by the adjutant general. The said requisitions shall be made in duplicate, and shall give, under oath, the name, age, rank and date of enlistment of the person for whom the uniform is procured, the number of State uniforms already in the possession of the company, and the number of active members belonging to the company. The non-commissioned staff of each regiment shall be in like manner provided with uniforms upon the requisition of the commanding officer of the regiment to which they belong: *Provided*, They have not been furnished with a uniform as members of a company. The uniform to be furnished by the State shall be of one uniform pattern, to be established by the State Military Board and approved by the commander-in-chief.

Proviso.

Penalty for destroying military property, etc.

SEC. 33. Every person who shall wantonly or intentionally injure or destroy such uniform, or any other military property

of the State, and refuse to make good such injury or loss, or shall sell or dispose of, remove or secrete the same with intent to sell or dispose thereof, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

SEC. 34. Whoever uses or wears, except in the performance of military duty for the State or upon public parades or by special permission of his commanding officer, any uniform or other articles of military property belonging to the State, shall be punished by fine not exceeding twenty dollars or thirty days in county jail for every such offense. When uniforms may be worn.

SEC. 35. Whenever forty-eight or more men within the same regimental [regimental] district shall associate for the purpose of forming a company of the Michigan National Guard, they may apply to the commander-in-chief, through the adjutant general, to be organized as such, and shall designate the persons for commissioned officers. On receiving such application, the commander-in-chief may so organize such company and commission such officers upon the certificate of the inspector general, that such company has complied with the provisions of this act: *Provided*, The number of companies then organized and existing shall not equal the limitations prescribed by the State Military Board. How guard may be organized.

SEC. 36. The several companies, regiments and other military divisions of the State shall have such parades, encampments and other meetings for instruction in each year, not exceeding ten full days, as may be prescribed by general regulations of the State Military Board, such parades to be had by company, regiment, or otherwise, as prescribed by such regulations, or by special order of the commander-in-chief, and each company may hold such other parades as may be prescribed by their by-laws or by vote of such company, but no such parades shall be held on days designated by law as election days. Proviso.

SEC. 37. Whenever it shall be necessary for any or all of the officers or men of the Michigan National Guard to travel upon any railroad of this State, under orders to perform military duty from competent authority, such railroad or railroads shall furnish transportation at the rate of one cent per mile for the whole distance to be traveled upon such railroad for each officer or enlisted man so carried, and all station or ticket agents or conductors shall sell first-class tickets, or furnish first-class passage, at the rate named upon being notified that such officer, or officers, or enlisted men are traveling upon military duty. Such notification may be by telegraph, or by filing a copy of the order with such station or ticket agent, or conductor. Whenever it shall be necessary to transport the stores, materials, camp equipage, horses or arms belonging or pertaining to the military de- When parades, etc., may be held.

Rate of transportation for officers, etc.

For stores, materials, etc.

partment of this State, or any portion thereof, the railroad or railroads of this State over which the same may be transported, shall charge not to exceed one-half the rate charged for the same class of goods to other shippers.

Military fines. SEC. 38. All military fines shall be enforced and collected by complaint, as follows:

Brigade officers. 1. Against brigade officers on complaint of the adjutant general;

Regimental. 2. Against regimental officers by commandant of brigade;

Commandants. 3. Against commandants of companies, and leaders and musicians of bands, by commandants of regiments;

Certain company officers. 4. Against officers of companies below the rank of commandant, and musicians and privates of companies, by the commandant of company. Such complaint shall be entered by the proper officer aforesaid before a justice of the peace of any city or township within the limits of the brigade, under oath, stating the cause of forfeiture, and thereupon said justice shall issue his warrant for the apprehension of the person complained of, and the same shall be served by any constable of such city or township, who shall immediately arrest the person complained of named in said warrant and bring him before such justice, who shall proceed to a hearing of the case. If on such hearing it shall appear to the magistrate that such forfeiture has been incurred, without good cause being shown therefor, he shall thereupon impose a fine according to the nature of the case, with costs incurred, and execution shall issue against the goods and chattels of the person complained of, and every judgment rendered for any fine as aforesaid, may be staid in the same manner as judgments rendered by justices of the peace in civil proceedings, but no execution on such judgment shall run against the body of any defendant under the age of twenty-one years. All fines against officers and enlisted men when collected shall be paid to the State Treasurer, and be by him credited to the State military fund.

Where paid.

When officers, etc., privileged from arrest. SEC. 39. All officers, non-commissioned officers, musicians and privates who may be mustered into the service of this State, or into the service of the United States, while under orders for service, either under the authority of this State or the government of the United States (in all cases except for treason, felony or breach of the peace), shall be privileged from arrest and imprisonment from the time of their being mustered into service to the time of their discharge from such service, and during the same time and for a period of six months after such service shall cease, their separate property shall be exempt from all process by way of execution, levy, seizure or attachment for debts contracted prior to or during such service, and in case any such volunteer shall hold any lands purchased of this State belonging to any of the trust funds of this State or otherwise, he shall forfeit no right, nor shall his rights in any way be affected by rea-

When property exempt from process.

son of any failure to pay installments of principal or interest due upon said lands for the purchase money agreed to be paid therefor during the same period: *Provided*, The said installment shall be paid within one year after his discharge from said service; and no settler upon State swamp lands shall lose or forfeit any right by reason of having been mustered into service according to the provisions of this act: *And provided further*, That any person claiming an exemption under this act after a forfeiture of his interest in any State land, shall on or before the first day of August in each year file with the Commissioner of the State Land Office a notice stating that such person is an enlisted volunteer mustered into the service of the United States: *And provided further*, That the time during which any such person shall be absent from this State in the military or naval service of the United States, or of this State, shall not be computed in the limitation of any action or actions embraced or specified in section nine thousand seven hundred twenty-eight, of the compiled laws of eighteen hundred ninety-seven.

Proviso.

Further proviso.

Further proviso.

SEC. 40. The officers, non-commissioned officers, musicians and privates of the military force mustered into the service of this State, by virtue of the provisions of this act, together with all sutlers, drivers and conductors, and all persons receiving pay or hire for services in or with the said force in actual service in the field, garrison or camp, shall be taken to be soldiers and subject to be tried by courts martial for all offenses prescribed in the laws of the United States entitled "An act for establishing rules and articles for the government of the armies of the United States," and amendments thereto known as "Articles of war:" *Provided*, That punishment by flogging or branding shall not in any case be inflicted. General and regimental courts martial shall be organized and governed as near as may be in conformity with the said articles of war, and the rules and regulations established for the government of the United States army. The commander-in-chief is hereby authorized to establish all necessary rules and regulations for the organization and government of such courts and for the carrying into effect their decisions in conformity as near as may be with said articles of war, and said laws and regulations of the United States army.

Who deemed soldiers.

Proviso as to punishment, etc.

Courts martial may be organized.

SEC. 40½. The military courts of this State shall consist of general courts martial, regimental courts martial, summary courts and courts of inquiry. They shall respectively have cognizance of the same subjects, and possess like powers as similar courts provided for in the laws of the United States, and organized under the articles of war, and the rules and regulations of the United States army. The proceedings of general courts martial shall be assimilated to the forms and modes of procedure directed for like courts by the articles of war and the general rules and regulations

Military courts.

Powers.

Proceedings.

for the government of the armies of the United States; and the proceedings of regimental courts martial, summary courts and courts of inquiry shall be assimilated to the modes of procedure in regimental and garrison courts martial, summary courts and courts of inquiry in the armies of the United States.

Who to alter
regiments, etc.

SEC. 41. The commander-in-chief, with the advice of the State Military Board, may arrange, alter, divide, annex and consolidate regiments and companies in such manner as in his opinion the proper organization of the same shall require, and in case, under such arrangement, alteration, division or consolidation, it shall be necessary or desirable to organize independent or detached battalions, the proper battalion, field and staff officers thereof shall be chosen in the mode prescribed by regulations for the selection of regimental, field and staff officers, with such rank as may be determined and established by the State Military Board, and the commander-in-chief is authorized to grant commissions thereunto: *Provided*, That all independent battalions shall constitute a part of a brigade, and they shall report to the brigade commander thereof, and make such other reports as are required by law and the rules and regulations.

Proviso.

Contributing
members of
guard.

To receive
certificate.

Disposition of
fund.

Company may
be incorpo-
rated.

Articles of
association.

Names of
persons.

SEC. 42. Not more than one hundred and fifty contributing members may be enrolled in each company of the Michigan National Guard. Each of such contributing members shall pay into the treasury of such organization annually on or before the first day of July not less than ten dollars. Upon the payment of such annual dues such contributing member shall receive from the commanding officer of such organization a certificate countersigned by the secretary thereof, and shall be exempt during the ensuing year from jury duty and poll tax in the same manner that active members of the Michigan National Guard are now exempt. The fund derived from the dues of contributing members shall be accounted for and used in accordance with regulations and by-laws prescribed by the said organization.

SEC. 43. Any military company or naval battalion or division in this State, being part of the militia organized under the laws of this State, may be incorporated for the purpose of purchasing or erecting and constructing an armory and other edifice or hall to be used by them and let to others for literary entertainments, public meetings, exhibitions, or any other legitimate purpose.

SEC. 44. Any twenty or more members of such company or battalion desirous of becoming incorporated under this act, may make and execute under their hands and seals articles of association, which articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

1. The names of all persons so associating and their places of residence;

2. The corporate name by which such corporation shall be known in law, and the place of its business office; Corporate name.

3. The object and purpose of such corporation, and the period for which it is incorporated, not exceeding thirty years. Object, etc.

SEC. 45. Such articles of association shall be filed with the Secretary of State and the county clerk of the county where the corporation shall have its business office, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be a person in the law capable to lease, purchase, take, receive, hold and enjoy to itself and its successors, estates real and personal, and of mortgaging the same, of suing and being sued, and it may have a common seal, which may be changed or altered at pleasure: *Provided*, That such estate, real and personal, shall not exceed the sum of thirty thousand dollars, and that such corporation shall have full power to grant, give, sell, lease, devise and dispose of the whole or any part of such real and personal estate at its will and pleasure, and the proceeds, rents and profits thereof shall be devoted exclusively to the benefits of such corporation in such manner and for such purposes as may be provided by its by-laws or other rules and regulations. Where articles filed.

Proviso as to real and personal estate.

SEC. 46. Such corporation shall have full power and authority to make and establish all necessary rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation, not inconsistent [inconsistent] with the laws of this State and of the United States. Powers of corporation.

SEC. 47. A copy of the articles of such association under the seal of the State, or of the county clerk of the proper county, duly certified according to law, shall be received as prima facie evidence in all the courts of this State of the existence and due incorporation of such corporation. Evidence of incorporation.

SEC. 48. The affairs and business of such corporation shall be under the control and supervision of a board of directors of not less than five, or more than nine in number, who shall be elected at such time and in such manner as may be provided in its articles of association or by-laws, and such board of directors may elect a president, vice president, secretary and treasurer, and such other officers as may be necessary for the transaction of its business affairs, in accordance with such articles of association, or the provisions of its by-laws. And the president and secretary shall have full power and authority to make and execute all contracts for and in behalf of such corporation that may be duly authorized by its board of directors. Board of directors.

President and secretary.

SEC. 49. The dissolution of any such company as a military organization shall not operate to terminate the existence of Dissolution of company.

the corporation, but the existence of the same may continue for the benefit of the members of such corporation.

Companies
may consoli-
date.

SEC. 50. Any number of companies incorporated under the provisions of this act not exceeding in all the number of companies by law constituting a regiment of the Michigan National Guard, and located in the same city or village, may consolidate and form a single corporation or body corporate for the objects and purposes of this act. Corporations formed by consolidating under the provisions of this act may, in like manner, consolidate with each other, or with single incorporated companies, provided that the entire number of single companies forming or composing the consolidated organization shall not exceed the number of companies by law constituting a regiment of the Michigan National Guard.

Corporations
may consoli-
date.

How corpora-
tions may con-
solidate.

SEC. 51. Corporations desiring to consolidate under this act may do so by making and executing, under the hands of their respective presidents, and under their corporate seals, articles of consolidation, which shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and which shall set forth:

1. The corporate name of all corporations so consolidated;

2. The corporate name by which the new corporation shall be known, and the place of its business office;

3. The period for which it is incorporated, which shall not exceed thirty years. Said articles of consolidation shall be filed with the Secretary of State and the county clerk of the county where the corporation shall have its business office, and thereupon the new or consolidated organization shall be a body politic and corporate, to be known by the name expressed in such articles of consolidation, with all the rights, powers, privileges, duties and liabilities of a corporation originally organized under this act, and the property, real and personal, belonging to the several corporations consolidating under this act shall become the property of the corporation formed by such consolidation: *Provided, however,* That no consolidation shall take place without the consent of three-fourths of the members of each corporation, expressed by a vote taken at some regular meeting of the corporation: *And provided further,* That a corporation formed by a consolidation under this act shall have the right to hold real and personal estate, not exceeding in the aggregate the whole amount which the several companies combined might hold under section forty-five of this act.

Proviso.

Further
proviso.

Active mem-
bership.

How
governed.

SEC. 52. Any corporation organized under this act may, with the consent of the State Military Board, increase its active membership so as to form within the same two or more companies of the National Guard, in all not exceeding the number of companies constituting by law a regiment. Companies so formed within a corporation organized under this act shall be governed by the laws, rules and regulations relating to and governing the Michigan National Guard.

SEC. 53. Any corporation organized under this act may, with the consent of the State Military Board, enter into an agreement with any athletic, literary, or Young Men's Christian Association or Grand Army of the Republic, respecting the joint use by said military corporation and said other named corporations of any gymnasium, or other part of any armory erected or leased by said military corporation, either in connection with a building to be erected by said athletic, literary, or Young Men's Christian Association or Grand Army of the Republic, or separately: *Provided, however,* That the terms and stipulations of said agreement shall be first approved by the said Military Board.

Agreements
relative to
gymnasiums,
etc.

Proviso.

SEC. 54. In case of riot, tumults, breaches of the peace, or formidable resistance to the execution of the laws of the State, or of the United States within the State, or reasonable apprehension of immediate danger thereof, with which the civil authorities are unable to cope, upon application by telegram, or otherwise, of any United States marshal, mayor of a city, or sheriff of a county, the Governor may order into active service, all or such portion of the Michigan National Guard as he may deem requisite for the emergency. If the Governor be absent or cannot be communicated with, any such civil officer may in case of great emergency make such application to the Adjutant General, who may, if he deem the danger great and imminent, order out the Michigan National Guard, or such portion thereof as he may deem necessary to meet the emergency. Such order shall be given direct to the commanding officer of that portion of the Michigan National Guard so ordered into service. Upon the receipt thereof, such commanding officer shall communicate the same immediately to each of his subordinate officers, and every company receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing containing the substance of such order shall be left at the last and usual place of residence of such member with some person of suitable age and discretion, to whom the contents of such notice shall be explained. If any company commander or commissioned officer receiving such order shall fail to give such notice as required thereby, or by law, or shall fail to appear at the time and place so ordered prepared for duty, he shall be cashiered, and be further punished by fine or imprisonment, or both, as a court martial may judge; and if any enlisted man after being duly notified shall refuse or neglect to appear at the time and place for rendezvous properly prepared for duty, or shall fail to obey any order issued in such case, he shall be deemed a deserter, and be punished by a fine not less than fifty dollars, nor more than three hundred dollars; and any person who advises or endeavors to persuade an officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall be

When guard
ordered into
active service.

When
governor
is absent.

To whom
order given.

Duty of officer.

Penalty for
refusal or
neglect of
duty.

When default
excused.

punished by imprisonment, not exceeding six months, or by a fine not exceeding one thousand dollars, or both. But physical incapacity to perform military duty, dangerous sickness in the family of any such officer or enlisted man, or absence at the time such notice was served, when such absence was not intended to avoid such notice or service, and when he shall join for duty on his return, if his command is still in service, shall excuse such default.

When sheriff
to direct.

SEC. 55. Whenever the Michigan National Guard or any portion thereof shall be ordered into active service under the provisions of the preceding section, the commanding officer shall be subject to the general direction of the sheriff or other civil officer who shall require his aid; but in the execution of movements and the means to be employed to accomplish the purpose for which said military force shall be called into service, the same shall be under the orders of the commander-in-chief, and the military officers immediately in command thereof. It shall be the duty of the commanding officer in all cases when so called into service to provide each of the men of his command so ordered out with at least twenty-four rounds of ball cartridge, and arms in complete order for actual service.

When under
orders.

To whom
commanding
officers
subject.

SEC. 56. Every commanding officer shall be subject, as provided by law, to the sheriff or other public officer who shall require his aid, and for neglecting or refusing to carry into effect the orders of such public officers, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner by neglect or delay preventing the due execution of law, every such commanding officer, and every commissioned officer under his command so offending, shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars, and in addition thereto such officer shall be liable to be tried by court martial and sentenced to be cashiered, and it shall be the duty of the prosecuting attorney of any county where such offense shall be committed, to prosecute the same to recover the penalty herein provided, and to pay the same, when collected, into the county treasury.

Fine for
refusal or
neglect.

Penalty for
refusal and
neglect of
musician, etc.

SEC. 57. Any non-commissioned officer, musician or private who shall neglect or refuse to obey the order of his commanding officer in the case herein provided, shall be liable to a fine of not more than one hundred dollars, to be prosecuted and recovered in the same manner hereinbefore provided in the case of commissioned officers, the same when collected to be paid into the county treasury in the manner prescribed in the last section.

Compensa-
tion of officers,
etc.

SEC. 58. All officers, non-commissioned officers, musicians and privates shall receive for their service for each day actually spent by them on duty in case of riot, tumult, breach of the peace, resistance of process, or whenever legally called upon in aid of the civil authorities, and for the time neces-

sarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the following compensation, together with necessary rations and forage, to wit: To each private, not less than one dollar and twenty-five cents per day; to all commissioned officers of the line, and to the field, staff and other commissioned officers, the pay as fixed by the United States army regulations of officers of the army of the same rank in the service of the United States, together with all necessary rations and forage, and the necessary expense for horses of all mounted officers and men. Such compensation and such rations and forage, and the cost of all ammunition used or purchased for use by any officer in command of the National Guard so called out, shall be audited and allowed by the Auditor General when detailed bills are presented, properly certified by the commanding officer of such troops and approved by the quartermaster general. The Auditor General shall upon auditing and allowing such accounts draw his warrant therefor upon the State Treasurer, who is hereby authorized and directed to pay the same, and any such sums so audited and paid are hereby appropriated out of the moneys in the general fund not otherwise appropriated, and the Auditor General shall charge all such moneys so drawn to the county or counties in which such service is rendered, to be collected and returned to the general fund in the same manner as any other county indebtedness to the State is required by law to be.

Costs, etc., to be audited.

How paid.

SEC. 59. In case any officer, non-commissioned officer, musician or private, shall be wounded or disabled while in service in case of riot, tumult, breach of the peace, resistance of process, or whenever called in aid of the civil authorities, he shall be taken care of and provided for at the expense of the county where such service shall have been rendered during such disability; and in case of death or permanent disability in consequence of such wounds, his widow and children, if any, shall receive such relief as the Board of State Auditors may determine to be just and reasonable.

In case officers, etc., shall be wounded.

SEC. 60. There shall be at the State capitol, in Lansing, an executive department to be known as the military department of the State of Michigan, and which shall be composed of one adjutant general with the rank of brigadier general, with one assistant adjutant general with the rank of colonel; one inspector general with the rank of brigadier general, with one assistant inspector general with the rank of colonel; and one quartermaster general with rank of brigadier general, with one assistant quartermaster general who shall rank as colonel. The quartermaster general and his assistant shall perform the duties of commissary of subsistence. The salaries of the assistant adjutant general, assistant inspector general and assistant quartermaster general mentioned in this section shall be fixed from time to time by the State Military Board and paid not to exceed eighteen hundred dollars per

Military department, rank of officials.

Salaries of assistants.

year from the military fund. The several assistants to the heads of the military department shall be appointed by the Governor on the recommendation of the chiefs of department, and shall perform the duties of the heads of department in the absence of the chief thereof.

Salary of
adjutant, etc.

SEC. 61. The salary of the adjutant general, quartermaster general and inspector general shall be one thousand dollars each per year, and there shall be allowed and paid to each of said officers such further sums as may be necessary to pay his actual necessary expenses while engaged in the performance of the duties of his office.

Adjutant
general,
appointment,
term, etc.

SEC. 62. The adjutant general shall be appointed by the Governor, by and with the advice and consent of the senate, and shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. He shall distribute all orders from the commander-in-chief. He shall be the organ of all written communications from the Michigan National Guard to the commander-in-chief, and shall attend him when required in reviews of the Michigan National Guard, or whenever ordered in the performance of military duty. He shall

Recommend-
ations.

lay before the commander-in-chief all recommendations of the State Military Board, and heads of military departments and corps, and obey or issue such orders as the commander-in-chief shall give in relation thereto and all other military matters, and shall be entitled to use the coat of arms of the State as his seal of office with the words added thereto "State of Michigan, Adjutant General's Office." He shall submit to the commander-in-chief copies of all charges properly preferred in writing against any officer or soldier of the Michigan National Guard whenever desired by the person preferring such charges, as well as the proceedings of general courts martial. He shall annually make a return in triplicate

Preferred
charges.

of all the militia of the State, one copy whereof he shall deliver to the commander-in-chief on or before the first day of December, one copy transmit to the president of the United States on or before the first day of January thereafter, and one copy shall be filed in his office. Before entering upon the duties of his office and within twenty days after receiving official notice of his appointment, he shall take and subscribe the constitutional oath of office and file the same with the Secretary of State. He shall in each year prepare a return of the active militia of this State, exhibiting their full numerical strength, together with all the arms and military stores belonging to the State, designating the several kinds, condition and place of deposit, which return he shall deliver to the Governor on or before the thirty-first day of December, and he shall perform all other duties relating to the militia, arms and military stores of this State as are required of him by

Annual trip-
licate return.

Oath.

What included
in return of
active militia.

law. The adjutant general shall make and submit to the Governor, and through him to the legislature, biennially, a detailed report of the work of his department, and of the other departments of the military service, with such recommendations as he may deem necessary to promote the good of the service, and the military interests of the State. Whenever the commanding officer of any company shall retain men in the service in violation of the rules and regulations prescribed by the State Military Board, it shall be the duty of the adjutant general, upon recommendation of the inspector general, to order the discharge of such men.

Biennial
report.

When certain
men may be
discharged.

SEC. 63. The inspector general shall be appointed in the same manner as the adjutant general, and shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. The inspector general shall have charge and supervision of the instruction of the Michigan National Guard, and the mustering and instruction thereof through the proper commanding officers, and his assistants and such other officers as may be detailed for service in his department by the commander-in-chief; and he shall annually make and submit a detailed report of the work of his office with such recommendations as he may deem best for the good of the service. Before entering upon the duties of his office, and within twenty days after receiving official notice of his appointment, he shall take and subscribe the constitutional oath of office and file the same with the Secretary of State.

Inspector
general,
appointment,
term, etc.

Duties.

Oath.

SEC. 64. The quartermaster general shall be appointed in the same manner as the adjutant general and inspector general, and hold his office for the term of two years, and until his successor shall be appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. Before entering upon the duties of said office, and within twenty days after receiving official notice of his appointment, he shall take and subscribe the constitutional oath of office, and he shall give bonds to the State, with at least two sureties, or surety company, to be approved by the commander-in-chief, in the penal sum of twenty-five thousand dollars, conditioned faithfully to discharge the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and other military property of the State committed to his custody, to account for the same and deliver over to his successor, or to any other person authorized to receive the same, all such stores and property, which bond shall within the aforesaid twenty days be deposited, together with said oath, by said quartermaster general with the Secretary of State, who shall file and preserve the same in his office. He shall have charge of all public magazines, storehouses, arsenals, munitions of war and other military property of the State, and account for the same on the thirty-first day of December in

Quarter-
master gen-
eral, appoint-
ment, term,
etc.

Oath.

Bonds.

Public maga-
zines, store-
houses, etc.

Business of
department.

Proviso.

Disbursing
and distrib-
ing officers
to give bonds.

Who to
authorize
employment
of clerks, etc.

State military
board, of
whom to
consist.

Advisory
board.

each year to the commander-in-chief. The business of the quartermaster general's department shall be transacted, and the accounts kept and made out in the same manner, as near as may be, as is required by the system and regulations governing the quartermaster general's department in the army of the United States, and accounts current of all transactions, with proper vouchers, shall be rendered by him monthly to the Auditor General: *Provided however*, That no contract shall be let or entered into on behalf of the State exceeding the expenditure of three hundred dollars for military purposes authorized by this act until a notice calling for bids for such contract shall have been published at least twenty days in one or more newspapers, to be designated by the State Military Board, except that in case of emergency requiring immediate action the commander-in-chief may by a special order in writing direct the quartermaster general to make contracts without such advertisement. The quartermaster general shall require bonds from all disbursing and distributing officers, and other officers in charge of public property, in an amount to be fixed by the State Military Board and approved by the commander-in-chief, and in the same manner to be prescribed in the general regulations, and orders, which bonds shall be approved by the State Military Board. The quartermaster general shall provide the several departments, on their requisitions, the necessary rosters, books of record, blank commissions, enlistment rolls and other papers required by law and regulations, at the expense of the State.

SEC. 65. The commander-in-chief may authorize the employment of clerks and the hiring of offices, the purchase of fuel, lights, stationery and books for the military service for the use of the heads of the departments and recruiting officers upon the recommendation of the State Military Board. He may also authorize the hiring of store rooms for the safe keeping of public stores at such place or places as he shall designate, until an arsenal or magazine shall be secured by the State, and he may divide the State into regimental or battalion districts, in which case the division shall be in such manner as to give all portions of the State, so far as practical, a just proportion of the whole number of companies permitted by this act.

SEC. 66. There shall be a State Military Board consisting of the adjutant, quartermaster and inspector generals, brigadier general commanding brigade and commander of naval brigade. The State Military Board shall organize by electing a president from their own number, and one of the assistants as secretary. The same shall be an advisory board to the commander-in-chief on all estimates and accounts of and for the National Guard, and no contract on behalf of the State exceeding an expenditure of three hundred dollars, for military purposes authorized by this act, shall be valid against the

State until the same shall be approved by said board. The State Military Board shall receive, examine and audit all claims and accounts for the expenditures incurred for military purposes authorized by this act, and upon requisition of said board the Auditor General shall draw his warrant or warrants for such sum or sums not exceeding in all the appropriation herein made, on the State Treasurer, who is hereby authorized to pay and charge the same to the State military fund. Whenever necessary in the performance of their duties, any member of said board shall have power to administer oaths. They are hereby further authorized and empowered to prepare and promulgate all articles, rules and regulations for the government of the Michigan National Guard, not inconsistent with the laws of the United States or of this State, and which articles, rules and regulations, when approved by the commander-in-chief, shall be in force and by him be filed in the office of the Secretary of State. The State Military Board shall deliver to every member of the Michigan National Guard and State Naval Brigade, on demand, a certificate showing that such member has served creditably, fully uniformed and equipped, according to the law and regulations. Upon satisfactory evidence that such member has performed service fully uniformed and equipped, as aforesaid, in said Michigan National Guard or State Naval Brigade six consecutive years, such certificate shall thereafter entitle the person receiving the same from said board to an exemption from all poll taxes, jury duty, at his option, assessment for highway purposes not exceeding two days in a year, and from all military duty except in case of invasion, insurrection or rebellion. Every person issuing, obtaining or using a military certificate improperly or unlawfully shall be liable to the penalty provided by law for misdemeanors. Every member of the Michigan National Guard or State Naval Brigade having the certificate of his proper commanding officer, certifying to his performance of military duty, fully uniformed and equipped, according to law and regulations, and the payment of all fines and company dues for and during the several drills, parades, encampments and other military assemblages required by law, or the orders of a superior officer by authority of law of the preceding year, shall be exempt for the year such certificate is given from all poll taxes, jury duty, assessments for highway purposes not exceeding six days, and from military duty except in the corps to which he belongs.

To audit
certain claims.

Power of
members.

Military
certificate.

SEC. 67. A sum not exceeding two thousand five hundred dollars may be appropriated from the State military fund in each year for the promotion of rifle practice among the Michigan National Guard, to be expended under the direction of the State Military Board; and the State Military Board is hereby authorized to use a part of said sum in defraying the expenses of such members of the Michigan National

Appropriation for rifle
practice.

Guard as may be selected by them, on account of their proficiency as marksmen, to be sent to the annual meeting of the National Guard Association, for practice and instruction.

Election of
company
officers.

SEC. 68. At the expiration of the commissions now in force in shall be the duty of the adjutant general to notify each company commander to order an election of company officers as follows: For each company, one captain to be elected for three years, one first lieutenant for three years, and one second lieutenant for three years. Thereafter the term of each of such company officers shall be three years. Such elections shall be held under regulations provided therefor by the State Military Board, with the approval of the commander-in-chief.

Sections
repealed.

SEC. 69. The following acts are hereby repealed: Act number sixteen of the session laws of eighteen hundred sixty-two, entitled "An act for the reorganization of the military forces of the State of Michigan," and all acts amendatory thereof; sections fifty-two, fifty-three, fifty-four and fifty-five of chapter twelve of the revised statutes of eighteen hundred forty-six; act one hundred twenty-four of the session laws of eighteen hundred seventy-one, entitled "An act to provide for the payment of the salaries of the military officers of the State of Michigan;" act number two hundred one of the public acts of eighteen hundred eighty-nine, entitled "An act to regulate the charges for transporting the State troops, stores, material, camp equipage, horses and arms upon the railroads of this State;" act number sixty-four of the public acts of eighteen hundred ninety-five, entitled "An act to regulate and govern the appointment of staff officers in the Michigan National Guard;" said acts being sections fifteen hundred seventy-five to sixteen hundred eighty-six inclusive of the compiled laws of eighteen hundred ninety-seven; also the following acts: Act number one hundred fifty of the public acts of eighteen hundred eighty-one, entitled "An act to provide for the enrollment of contributing members in each company and battery of State troops," being section sixteen hundred eighty-nine of the compiled laws of eighteen hundred ninety-seven; also act number forty of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for, or facilitate the incorporation of military or light guard companies for certain purposes," being sections eighty-four hundred fifty-four to eighty-four hundred sixty-four inclusive of the compiled laws of eighteen hundred ninety-seven; also act number two of the session laws of eighteen hundred ninety-eight, entitled "An act to promote the efficiency of the Michigan National Guard and Naval Militia of the State, and to provide for the organization of the volunteer militia in case of emergency." Also joint resolution number seven of the session laws of eighteen hundred eighty-three, entitled "Joint resolution for the encouragement of rifle practice in the regiments and battalions of State troops." Also act number five of the session laws of eighteen

Joint resolution.

hundred ninety-eight, entitled "An act to protect members of the State militia and all citizens of the State of Michigan in the service of the United States and their property from execution, seizure and levy, and to provide for the continuance of pending suits in law and chancery in the event of war." Nothing in this act shall be construed as amending, modifying or repealing any of the provisions of act number one hundred eighty-four of the session laws of eighteen hundred ninety-three, entitled "An act to provide for the enrollment, organization, equipment, maintenance and discipline of the naval militia [militia] of the State."

This act is ordered to take immediate effect.

Approved June 3, 1901.

[No. 205.]

AN ACT to apportion anew the representatives in the State legislature among the several counties and districts of this State.

The People of the State of Michigan enact:

SECTION 1. That the house of representatives shall here-
after be composed of one hundred members, elected agree-
able to a ratio of one representative to every twenty-four
thousand two hundred persons, including civilized persons of
Indian descent not members of any tribe, in each organized
county, and one representative of each county having a frac-
tion more than a moiety of said ratio, and not included
therein, until the one hundred representatives are assigned;
that is to say, within the county of—Wayne, fourteen; Kent, Apportion-
ment.
five; Houghton, three; Saginaw, three; Allegan, two; Bay, To counties.
two; Berrien, two; Calhoun, two; Genesee, two; Ingham,
two; Jackson, two; Kalamazoo, two; Lenawee, two; Mar-
quette, two; Oakland, two; Ottawa, two; St. Clair, two;
Washtenaw, two; Alpena, one; Antrim, one; Barry, one;
Branch, one; Cass, one; Charlevoix, one; Cheboygan, one;
Chippewa, one; Clinton, one; Delta, one; Dickinson, one;
Eaton, one; Emmet, one; Gogebic, one; Grand Traverse, one;
Gratiot, one; Hillsdale, one; Huron, one; Ionia, one; Isabella,
one; Lapeer, one; Livingston, one; Macomb, one; Manistee,
one; Mason, one; Mecosta, one; Menominee, one; Midland,
one; Monroe, one; Montcalm, one; Muskegon, one; Newaygo,
one; Oceana, one; Osceola, one; St. Joseph, one; Sanilac, one;
Shiawassee, one; Tuscola, one; Van Buren, one. The coun- To districts.
ties of Wexford and Lake shall constitute a representative
district and be entitled to one representative. The election

returns of said district shall be made to the county of Wexford. The counties of Benzie and Leelanau shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Leelanau. The counties of Alger, Luce, Mackinac and Schoolcraft shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Schoolcraft. The counties of Baraga, Iron, Keweenaw, Ontonagon shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Iron. The counties of Roscommon, Clare and Gladwin, shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Clare. The counties of Crawford, Montmorency, Presque Isle, Oscoda and Otsego shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Presque Isle. The counties of Kalkaska and Missaukee shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Missaukee. The counties of Alcona, Iosco, Arenac and Ogemaw shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Iosco.

Approved June 6, 1901.

[No. 206.]

AN ACT to prescribe the terms and conditions on which foreign corporations may be admitted to do business in Michigan.

The People of the State of Michigan enact:

Certain corporations to file charter, etc.

SECTION 1. It shall be unlawful for any corporation organized under the laws of any state of the United States (except the State of Michigan), or of any foreign country, to carry on its business in this State, unless it shall first have filed, or recorded, or both filed and recorded, as the law may require, in the office of the Secretary of State, a certified copy of its charter, or articles of incorporation, and evidence of appointment of an agent in this State to accept service of process, and have paid to the Secretary of State the requisite filing and recording fees and franchise fees in

amount and to be determined as follows: Such corporation, Statement.
by its president, secretary, treasurer and superintendent, or
any two of them, shall make and file with the Secretary of
State a statement duly sworn to by at least two of such
officers, in such form as the Secretary of State may prescribe,
containing the following facts:

1. The location of the office or offices of the company in Offices.
Michigan, and the names and addresses of the officers or
agent of the company in charge of its business in Michigan.

2. The value of the property owned and used by the com- Property and business.
pany in Michigan, where situated, and the value of the prop-
erty owned and used by the company outside of Michigan,
the aggregate amount of business transacted by said company
during the preceding year, and the proportion of such busi-
ness transacted in this State, the proportion of the capital
stock of the company which is represented by property
owned and used and by business transacted in Michigan.

From the facts thus reported, and any other facts coming Capital stock.
to his knowledge bearing upon the question, the Secretary
of State shall determine the proportion of the capital stock
of the company represented by its property and business in
Michigan. Such company shall pay to the Secretary of State Fee.

one-half a mill on each dollar of the proportion of its au-
thorized capital stock represented by the property owned and
used and business transacted in Michigan, determined as
above provided. But such fee shall in no case be less than
twenty-five dollars. Any such corporation shall have the
right, on application, to be heard by the Secretary of State Right of corporation to hearing.
touching the matter of the determination of the proportion
of its capital stock represented by property used and busi-
ness done in Michigan. Any corporation aggrieved by the Aggrieved may appeal.

decision of the Secretary of State may, within ten days,
appeal to the Auditor General, State Treasurer and Attor-
ney General, whose decision in the matter shall be final.
Every corporation which has paid the franchise fee under Statement of increase.

the section and been admitted to do business in this State,
which shall thereafter increase the proportion of its capital
stock, represented by property used and business done in
Michigan, shall within thirty days after such increase file an
additional statement with the Secretary of State, and pay an
additional fee of one-half of one mill on each dollar of the
amount of increase of its capital stock, represented by prop-
erty owned and business done in Michigan. And any such Additional statements.

corporation shall, at any time when requested by the Secre-
tary of State, file an additional statement, under oath of at
least two of its officers, showing the proportion of its prop-
erty used and business transacted in Michigan. Every cor-
poration subject to the provisions of this section which shall
neglect or fail to comply with its requirements, shall be sub-
ject to a penalty of one thousand dollars for every month Penalty for neglect.

Corporations
may maintain
action.

that it continues to transact any business in Michigan, without complying with the requirements of the section, to be recovered by action in the name of the people of the State of Michigan in any court of competent jurisdiction. No foreign corporation, subject to the provisions of this act, shall maintain any action in this State upon any contract made by it in this State after the taking effect of this act, until it shall have fully complied with the requirements of this act, and procured a certificate to that effect from the Secretary of State. Upon the compliance with the provisions of this act, such corporation shall be permitted to carry on business in this State for the time set forth in its original charter or articles of association, unless this shall be for a greater length of time than is contemplated by the laws of this State, in which event the time and duration shall be the limit of time set out in the laws of this State.

When in-
debted to
the state.

SEC. 2. Any corporation carrying on business in this State in violation of this act or which shall not have paid the franchise fee as prescribed by law, shall at once become and be indebted to the State of Michigan in a sum equal to the franchise fee prescribed by law, and the Attorney General may institute proceedings in an action of assumpsit, or debt, in any court of competent jurisdiction for the collection of such sum.

When appoint-
ment of agent
revoked.

SEC. 3. No such corporation having appointed an agent in Michigan to accept service of process shall have power to revoke or annul such appointment unless it shall, before such revocation shall be filed, or take effect, file notice of the appointment of some other person in this State as such agent; and in case of the death or removal from the State of any agent so appointed, without the appointment of any other person to act as such agent, such service of process may be made upon the Secretary of State, who shall immediately notify the corporation thus served by mailing such notice to its address.

How to be
incorporated.

SEC. 4. No such foreign corporation shall be permitted to transact business in this State unless it be incorporated in whole, or in part, for a purpose or object for which a corporation may be formed under the laws of Michigan, and then only for such purpose or object.

Dnty as to
filing reports.

SEC. 5. Any foreign corporation so admitted to carry on business in this State shall be subject to any and all provisions of statute requiring the filing of reports by corporations of this State organized for a purpose for which such foreign corporation shall have been admitted; and a failure to file such report within the time prescribed shall be sufficient cause for revoking the right of such corporation to carry on business in this State, which revocation may be declared by any court of competent jurisdiction on complaint filed by the Attorney General.

Penalty for
failure.

SEC. 6. The provisions of this act shall not be applicable to such foreign corporations as are permitted to do business in this State by license issued by the Commissioner of Insurance, or by the State Treasurer according to the provisions of law, nor shall this act be construed to prohibit any sale of goods or merchandise which would be protected by the rights of interstate commerce. Application of act.

Approved June 6, 1901.

[No. 207.]

AN ACT to fix the salary of the chief of the division of vital statistics in the department of State.

The People of the State of Michigan enact:

SECTION 1. That from and after the first day of January, one thousand nine hundred and one, the chief of the division of vital statistics in the department of State shall receive an annual salary of fifteen hundred dollars, payable monthly. Salary.

Approved June 6, 1901.

[No. 208.]

AN ACT to provide for the service of processes, notices and writings upon all corporations owning or operating electric railways in the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. Whenever in any suit or proceedings, either in law or equity, it shall become necessary to serve any process, notice or writing upon any corporation owning or operating any interurban electric railway in the State of Michigan, it shall be sufficient to serve the same upon any station agent, or ticket agent, at any station or depot along the line of or at the end of the railroad of such company, or upon any conductor upon any of the cars of such company along the line of or at the end of the railroad of such company, and such service shall be deemed as good and effectual as if made on the officers, stockholders or members, or either Upon whom process may be served.

Proviso. of them, of such company: *Provided*, That the modes of service herein provided for shall be in addition to those already in existence: *And provided further*, That the provision for service upon conductors of electric railways shall not apply to conductors on electric railways operating within the limits of incorporated cities.

Further proviso.

Approved June 6, 1901.

[No. 209.]

AN ACT to amend section five of act number two hundred seventeen of the public acts of Michigan for the year eighteen hundred ninety-seven, approved May twenty-nine, eighteen hundred ninety-seven, entitled "An act to provide for the registration of deaths in Michigan, and requiring certificates of death," being compiler's section number four thousand six hundred eighteen of the compiled laws of the State of Michigan for the year eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section number five of act number two hundred seventeen of the public acts of the State of Michigan for the year eighteen hundred ninety-seven, approved May twenty-nine, eighteen hundred ninety-seven, being compiler's section number four thousand six hundred eighteen of the compiled laws of the State of Michigan for the year eighteen hundred ninety-seven, be amended so as to read as follows:

Registration fee.

SEC. 5. Each registrar of deaths shall receive twenty-five cents for the proper record and return of each death to the Secretary of State and the proper return of a transcript thereof to the clerk of the county in which his registration district is situated, which fee shall also cover the issuing of a burial or removal permit. The Secretary of State shall certify to the clerk of each county annually the number of properly executed certificates of death received by him from each registrar in such county for the preceding calendar year, which certified statements such county clerk shall compare with the transcript of deaths on file in his office, and if such transcripts shall be found to conform with such certified statements, such county clerk shall deliver such certified statements to the respective registrars entitled thereto, which certified statements shall be received by the treasurer of the county in which such registration districts are situated,

and payment shall be made thereon in accordance with the rate fixed in this section: *Provided*, That the Secretary of State shall not include in the number of certificates certified for payment any imperfect certificates, or those not transmitted promptly as required by section four of this act: *Provided further*, That the registrars of cities having a population of ten thousand inhabitants or more by the last United States or State census, shall receive no compensation other than their salaries for the duties required by this act.

Proviso.

Further proviso.

Approved June 6, 1901.

[No. 210.]

AN ACT to provide for completing the records of the office of Adjutant General pertaining to the enlistment, muster, history and final disposition of the soldiers and sailors from this State during the war of the rebellion and Spanish-American war, to furnish certificates of service to applicants where the soldier's muster-out or discharge papers are lost, and to furnish such information from the records of the office as to establish the soldier's or sailor's military or naval history and to make appropriations therefor, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That the Adjutant General is hereby authorized and directed to complete the military or naval history of each soldier and sailor, so far as practical and possible from records of the war and navy departments, or other authentic sources, who enlisted from or was credited to this State during the war of the rebellion and the Spanish-American war; to furnish certificates of the military or naval history of soldiers and sailors whose muster-out rolls or discharge papers have been lost, and to provide such other information as may be deemed necessary to establish proofs of identity and correct names, and to defray the expenses of necessary printing, postage and clerical service.

Military and naval histories.

Certificates.

SEC. 2. For the purposes mentioned in this act there is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, the sum of one thousand two hundred fifty dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of one thousand two hundred fifty dollars.

Appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year nineteen hundred one the sum

Tax clause.

of one thousand two hundred fifty dollars, and for the year nineteen hundred two the sum of one thousand two hundred fifty dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Approved June 6, 1901.

[No. 211.]

AN ACT to amend section one of act number one hundred twenty-nine of the public acts of eighteen hundred ninety-nine, being an act to amend section one of an act entitled "An act to create a board of jury commissioners, consisting of seven persons for courts of record in the county of Wayne, and to repeal act number ninety-five of the public acts of eighteen hundred eighty-seven, as amended by act number forty-two of the public acts of eighteen hundred ninety-one, as amended by act number one hundred twenty-nine of the public acts of eighteen hundred ninety-nine, and all other acts and parts of acts contravening the provisions of this act," being act number two hundred four of the public acts of eighteen hundred ninety-three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of an act entitled "An act to create a board of jury commissioners consisting of seven persons for courts of record in the county of Wayne, and to repeal act number ninety-five of the public acts of eighteen hundred eighty-seven, as amended by act number forty-two of the public acts of eighteen hundred ninety-one, as amended by act number one hundred twenty-nine of the public acts of eighteen hundred ninety-nine, and all acts and parts of acts contravening the provisions of this act," being act number two hundred four of the public acts of eighteen hundred ninety-three, be amended so as to read as follows:

How
appointed
and of whom
to consist.

Term of office.

Vacancies,
how filled.

SECTION 1. That there shall be a board of jury commissioners for Wayne county, consisting of seven qualified electors, who shall be appointed by the Governor with the consent of the senate, two of whom shall hold office for two years, two for four years and three for six years from the first of May, eighteen hundred ninety-three, and when the term of office of any commissioner shall expire, commissioners thereafter appointed shall hold their office for the term of six years. Appointments to fill vacancies that may occur may be made by the Governor when the legislature is not in session, and the person or persons so appointed shall, unless their time

sooner expires, hold their office until the close of the session of the legislature next following such appointment. Five members of said board shall be residents of the city of Detroit, and the other two members shall reside outside the limits of the city and within said county. The official terms of said commissioners shall commence on the first day of May, and they shall hold office for the term of six years. Said commissioners before entering upon the discharge of their duties, shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the county clerk. They shall elect one of their number president, and shall appoint a secretary, who shall keep a record of their proceedings. The commissioners shall receive two dollars and fifty cents for each day's service and mileage for their traveling expenses while in the actual performance of their duties at the rate of ten cents per mile, but the total compensation paid any one of said commissioners, not including mileage, shall not exceed fifty dollars in any one year. The secretary shall receive such compensation as shall be certified by said board, or a majority of its members, as suitable and proper to the county auditors, and to be paid by the county, but not exceeding three hundred and fifty dollars per annum.

Length of
official term.

To subscribe
oath, where
filed.

Compensa-
tion.

Compensation
of secretary.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 212.]

AN ACT to provide for the transfer to the city of Lansing of certain State lands within the said city for street and highway purposes.

The People of the State of Michigan enact:

SECTION 1. That upon the payment by the city of Lansing to the State of Michigan of the sum of four hundred dollars, that certain parcel of land belonging to the State of Michigan, and described as follows, to wit: Commencing twenty rods north of the northeast corner of the intersection of Pennsylvania avenue and Michigan avenue; thence east seventy-five rods; thence north five rods; thence west seventy-five rods; thence south five rods to the place of beginning, within the city of Lansing, Ingham county, Michigan, shall be transferred to the said city of Lansing for street and highway purposes. And the Governor is hereby authorized to issue patents therefor.

Description
and considera-
tion of trans-
fer.

Who to issue
patents.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 213.]

AN ACT to amend section twenty-five of act number forty-four of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers, and public institutions of this State, now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the official directory and legislative manual of the State of Michigan, and to repeal act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-five of act number forty-four of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers, and public institutions of this State, now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the official directory and legislative manual of the State of Michigan, and to repeal act number one hundred twenty-two of the session laws of eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine and all laws or parts of laws contravening or inconsistent with this act," be and the same is hereby amended so to read as follows:

What manual
to contain.

SEC. 25. From and after the year nineteen hundred one said manual shall contain the following: The constitution of the United States; the constitution of the State of Michigan; maps of congressional districts, senatorial districts, representative districts, the judicial circuits, and population of each by the last preceding census; maps of railroads of State; tables showing distances between stations on railroad lines; the vote for Governor and Secretary of State, by townships and wards, at the last preceding November election; a list of postoffices; a list of newspapers; a list of banking institutions; a list of building and loan associations; the latest statistics of educational, charitable, reformatory, and penal institutions of the State; table of valuation of taxable property in the several counties of the State, as fixed by the State Board of Equalization at their last preceding meeting; rules and joint rules of the senate and house of representatives; diagrams of the senate chamber and representative hall; names, ages, occupations and residences of the

members and officers of both houses; population of State by townships, according to last census; population of cities and villages in the State, by last census; the names and residences of State officers and members of State boards and principal State institutions; a list of standing committees of both houses of the legislature, and also special committees; the declaration of independence; laws in regard to payment, organization, powers of, and election of United States senators by the legislature; Michigan legislative decisions; the practice and proceedings of Michigan legislature; a list of reports required by statutes; a list of former officials of the United States from Michigan; a list of former State officials of Michigan; names of officers to the constitutional conventions of Michigan; a list of public documents printed by authority; the judicial systems of Michigan; the State judiciary; the judicial circuits, population and terms of court; United States circuit courts in Michigan; names and dates of legal holidays; the liquor tax from annual reports of county treasurers to the Auditor General, and classification of same; a summary of State taxes levied for the preceding ten years, the amount and purposes thereof; report of State Treasurer; location of State lands, and prices of, and instructions in regard to; statistics of public school system of Michigan; names of incorporated cities of Michigan, with date of incorporation, population and location, and reference to acts of incorporation; names of incorporated villages of Michigan, with date of incorporation, population and location, and reference to acts of incorporation; statistics of former legislatures of Michigan, giving length of session, number of laws enacted, number of joint and concurrent resolutions, total membership, and politics; names of members of all former Michigan legislatures, giving postoffice addresses at time of membership, district, and session; names of speakers, speakers pro tem., and clerks of former houses of representatives, with county from which chosen, and session; names of presidents pro tem., and secretaries of senate of former legislatures of Michigan, with counties from which chosen; names of Michigan members of United States senate and house of representatives, with date of election and years of session; lists of miscellaneous State associations, officers and residence of; congressional, senatorial, and representative districts, territory of and population of; the presidential vote for all presidents of the United States by states, and vote by counties for Michigan from eighteen hundred thirty-six to the present time; a list of county officers elected at the preceding November election; names of county agents of State Board of Correction and Charities, with the address of each; the official canvass of votes cast at the preceding November election; a summary of official canvass of votes cast at the preceding November election; the vote for Governor, by counties, of all governors; a summary of votes

cast for all governors of Michigan; the votes cast for senators and members of the house of the State legislature at the preceding November election; the vote on constitutional amendments, and on constitutions; amendments proposed, adopted and rejected, to the State constitution; names of United States government officers in Michigan; congressional apportionments made by different acts of congress, and total population of each district, according to last census; the qualifications for voting in each of the states of the United States; state and territorial legislatures, time of meeting, number of members, length of session and salary of members, of the different states and territories of the United States; administration officers of all states, term of office, and salaries; executive officers of the United States government; names of members of congress, residence, and politics; the United States judiciary; names of principal officers of the United States army and navy, giving age and terms of service; names of foreign consuls in the United States for Michigan; an outline of the history of Michigan; names of officers of State government, elective and appointed; statistics relative to the State department, principal officers of, their duties and compensation; statistics relative to the military department, with officers and companies of the Michigan National Guard; State boards, ex officio and appointive, with members of; biographical sketches of present United States senators from Michigan, members of national house of representatives from Michigan, members of the State legislature, and elective State officers.

Approved June 6, 1901.

[No. 214.]

AN ACT to amend sections fourteen, twenty-two, twenty-six and thirty-eight of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State," as amended, being compiler's sections three thousand six hundred twenty-five, three thousand six hundred thirty-two, three thousand six hundred thirty-six and three thousand six hundred forty-eight of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections fourteen, twenty-two, twenty-six and thirty-eight of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State, as amended, being compiler's sections three thousand six hundred twenty-five, three thousand six hundred thirty-two, three thousand six hundred thirty-six and three thousand six hundred forty-eight of the compiled laws of eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows:

SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for at any election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed in a separate column under the title and device of such party as designated in its certificate, with the name of each candidate opposite the name of the office for which he was certified to have been nominated. At the general election held in November the names of the several offices to be voted for shall be placed on the ballot in the following order: Electors of president and vice president of the United States, Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, member of the State Board of Education, representative in congress, senator and representatives in the State legislature, judge of probate, sheriff, clerk, treasurer, register of deeds, prosecuting attorney, auditor in counties electing an auditor, circuit court commissioners, coroners, surveyor. At the general election held in April the order shall be justice of the supreme court, regents of the university, circuit judge, county commissioner of schools. At any election to fill vacancy, the office to be voted for shall

Sections amended.

Printing of names on ballots, etc.

Name of office.

Order of placement for November election.

April election.

Party tickets.

Ballots to be uniform size.

Plan of ballot.

be placed in the appropriate place on the ballot, regard being had to its being a State, congressional, legislative, or county office. The tickets of the party having the greatest number of votes within the State at the last preceding presidential election as shown by the votes cast thereat for electors of president and vice president shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality and color of white paper, and sufficiently thick that the printing cannot be distinguished from the back and the ballots in each election district shall be numbered consecutively on the upper right-hand corner of the front side thereof, and no two ballots of the same kind in the same township or election district shall have the same number; such corner containing said number shall be perforated diagonally across the corner of the ballots, so that it can be handily torn off as hereinafter provided, before such ballot is deposited in the ballot box. The arrangement of the ballot shall conform as nearly as possible to the following plan, and shall contain the specific instructions therein set forth, and no others:

OFFICIAL BALLOT.

(Instructions.) In all cases make a cross (X) in the circle (O) under the name of your party at the head of the ballot. If you desire to vote a straight ticket, nothing further need be done. Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross (X) in the square ☐ before the name of the candidate for whom you desire to vote on the other ticket. Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross (X) in the square ☐ before the name of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote. If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the inspector may be seen on the outside.

<p>NAMES OF OFFICES VOTED FOR.</p>	<p>Vignette with name of party.</p> <p>○</p>	<p>Vignette with name of party.</p> <p>○</p>	<p>Vignette with name of party.</p> <p>○</p>
<p>PRESIDENTIAL. <i>Electors of President and Vice-President.</i></p>	<p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p> <p><input type="checkbox"/> Name of candidate.</p>
<p>STATE.</p>			
<p><i>Governor.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Lieutenant-Governor.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Secretary of State.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Representative in Congress,District.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p>LEGISLATIVE.</p>			
<p><i>Senator.....District.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Representative.....District.</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p>COUNTY.</p>			
<p><i>Judge of Probate.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Sheriff.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>
<p><i>Clerk.....</i></p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>	<p><input type="checkbox"/> Name of candidate.</p>

Ballots, how opened.

Who to receive and mark.

To be delivered to elector, etc.

Manner of voting, etc.

How ballot marked by voter, etc.

Proviso.

SEC. 22. At the opening of the polls, after the organization of, and in the presence of the board of inspectors, one of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place the pencils for marking the ballots in the booths. The inspector so designated shall at once proceed to write his initials in ink on the upper left-hand corner of the back of each of said ballots, but not upon the perforated corner, in his ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot, another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspectors shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed shall be at all times in the hands of the inspector delivering the ballot to the elector.

SEC. 26. When an elector shall not be challenged or shall have taken the necessary oath or affirmation he shall be permitted to vote. On entering the room the inspector having charge of the ballots shall deliver to him one of them, and the clerk shall enter his name upon the poll list, together with the number of the ballot given him and on request such inspector shall give explanation of the manner of voting, if deemed necessary by the board an interpreter may be called. The elector shall then and without leaving the room, go alone into the booth, which is unoccupied, and indicate the candidate or candidates for whom he desires to vote, as follows: If he desires to vote a straight ticket he must make a cross (X) in the circle under the name of his party at the head of the ballot. Nothing further need be done. Where only one candidate is to be elected to an office and the elector desires to vote for a candidate not on his party ticket he should make a cross in the circle under the name of his party, and also make a cross in the square before the name of the candidates for whom he desires to vote on the other ticket. In such case it shall not be necessary to strike off the name of the candidate on the party ticket and where two or more candidates are to be elected to the same office, like circuit court commissioners, presidential electors, etc., and the voter desires to vote for candidates on different tickets for such office, he must mark a cross in the circle under his party name, and mark a cross in the square before the name or names of the candidates for whom he desires to vote on the other ticket or tickets, and also erase an equal number of names of the candidates for such office on his party ticket: *Provided*, That if such elector shall not cross off the names of an equal number of candidates for such office on his party ticket he shall be deemed to have crossed off the name of each candidate for such office which is printed on his party

ballot opposite of a candidate on some other party ticket in front of whose name he has made a cross (X). If the elector wishes to vote for a candidate not on any ticket, he must write or place the name of such candidate on his ticket, opposite the name of the office, and make a cross in the circle under the party name. A ticket marked with a cross in a circle under a party name will be deemed a vote for each of the candidates named in such party column whose name is not erased, except those candidates where a cross is placed in the square before the name of some opposing candidate on the opposing ticket, or where a name is written or pasted on the party ticket of some candidate whose name is not printed as a candidate on any party ticket. In case there is only one candidate to be elected to any office, the cross in the square before the name of the candidate on the opposing ticket shall be deemed one vote for such candidate. Where there are two or more candidates to be elected to the same or like office, the cross before the name of the opposing candidate or candidates, shall be deemed one vote for such candidate or candidates, provided an equal number of names of candidates for the same office are erased or can, under the provisions of this section be deemed to have been erased, from the party ticket. If the name of any person who is not a candidate on any ticket is written or placed on the party ticket opposite the name of the office, and there is a cross in the circle under the party name, the name so written or placed shall be counted one vote for the person so mentioned, whether the original name on the party ticket is erased or not, excepting cases where there is a cross in the square before the name of some opposing candidate on some other party ticket. If no cross is placed in the circle under the party name, a cross in the square before the name of any candidate shall be deemed a vote for such candidate except in cases where the elector votes for more candidates for the same office than are to be elected. Such elector shall also indicate his preference on any constitutional amendment or other questions if he desires to vote thereon, by making a cross (X) in the square in front of the words "Yes" or "No" opposite such question. Before leaving the booth the elector shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the inspector shall be on the outside thereof, and on leaving the booth shall at once deliver in public view such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same, and the number of the ballot, and shall ascertain by comparison of the number of the ballot with the number of the ballot given such elector as shown by the poll list whether the ballot presented is the same one given such elector, and if it is the same the inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then, in the pres-

To vote for candidates not on any ticket.

What deemed a vote for each candidate.

Elector to fold ballot.

Proviso.

ence of the elector and the board of inspectors, deposit the same in the ballot box without opening, and if it is not the same ballot given said elector it shall be rejected: *Provided, however,* If any elector shall show his ballot or any part thereof to any person other than one lawfully assisting him in the preparation thereof, after the same shall have been marked so as to disclose any part of the face thereof, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot his name shall be entered on the poll list with a minute of such occurrence, and such elector shall not be allowed to vote thereafter at such election. The elector shall then leave the room, but no elector to whom the ballot has been delivered shall be permitted to leave the room without voting such ballot, or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or pencil in his possession shall be at once arrested on demand of any member of the board of inspectors if he shall refuse to deliver the same upon request.

How result declared.

Statement of result.

SEC. 38. Immediately after the count of the tickets or ballots has been completed, the result and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate showing the whole number of votes cast for each office, the names of the persons for whom such votes were given and the number each person received, in which statements the whole number of votes given for each office and the number given for each person shall be written out in words at length. Such duplicate statements, when certified by the inspectors and duly signed shall be delivered to the township or city clerk, and shall by said clerk be, within twenty-four hours after the result is declared, delivered in person or immediately forwarded by registered mail, one copy to the board of county canvassers in care of the judge or register of probate, and the other, together with one of the original tally sheets, to the county clerk, which said statements and tally sheets shall be placed in separate envelopes and sealed by said inspectors before their delivery to the township or city clerk.

Approved June 6, 1901.

[No. 215.]

AN ACT to provide a tax to meet the amounts disbursed by the State for the current expenses of the Michigan State Prison, the State House of Correction and Reformatory, and the State House of Correction and Branch Prison, Upper Peninsula.

The People of the State of Michigan enact:

SECTION 1. That the Auditor General shall add to and incorporate with the State tax for the years nineteen hundred one and nineteen hundred two, for the purpose of reimbursing the State for money to be disbursed under existing laws on account of current expenses of the prisons and houses of correction herein specified, the following sums, to wit: For the year nineteen hundred one, on account of expenditures for the Michigan State Prison, the sum of twelve thousand dollars; for the State House of Correction and Branch Prison, Upper Peninsula, the sum of twenty-four thousand dollars; and for the State House of Correction and Reformatory, the sum of thirty-four thousand dollars; and for the year nineteen hundred two, on account of expenditures for the Michigan State Prison, the sum of six thousand dollars; for the State House of Correction and Branch Prison, Upper Peninsula, the sum of thirty thousand dollars; and for the State House of Correction and Reformatory, the sum of thirty-two thousand dollars; which sums, when collected, shall be placed to the credit of the general fund to reimburse the same for moneys previously expended.

Amount to be incorporated in State tax for current expenses.

Amounts and institutions.

SEC. 2. The several sums appropriated or disbursed by the provisions of law for which this tax is levied shall be paid out of the general fund in the State treasury to the proper board or officer of the respective institutions at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer of such institution shall render his accounts to the Auditor General thereunder.

How paid.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 216.]

AN ACT to provide a tax to meet the amounts disbursed by the State at the several asylums for the support of patients under the several laws relating thereto.

The People of the State of Michigan enact:

Tax clause.

Eastern Michigan asylum for 1901.

Northern.

State.

Upper peninsula hospital.

Wayne county asylum.

St. Joseph's retreat.

Eastern Michigan asylum for 1902.
Michigan asylum.

Northern Michigan.

State asylum.

Upper peninsula hospital.

Wayne county asylum.

St. Joseph's retreat.

How paid.

SECTION 1. That the Auditor General shall add to and incorporate with the State tax for the years nineteen hundred one and nineteen hundred two, for the purpose of reimbursing the State for money to be disbursed under existing laws on account of the support of patients in the several State asylums, the following sums to wit: For the year nineteen hundred one, on account of expenditures for the Eastern Michigan Asylum, the sum of one hundred thirty-three thousand six hundred sixty dollars thirty-eight cents; for the Michigan Asylum the sum of one hundred forty-nine thousand two hundred fifty-five dollars sixty-seven cents; for the Northern Michigan Asylum, the sum of one hundred forty-four thousand one hundred sixty-five dollars ninety-three cents; for the State Asylum, the sum of thirty-four thousand five hundred eighty-two dollars sixty cents; for the Upper Peninsula Hospital for the Insane, the sum of thirty-four thousand sixty-three dollars fifty-eight cents; for the Wayne County Asylum, the sum of forty thousand nine hundred thirty-two dollars sixty cents; and for the St. Joseph's Retreat, the sum of four thousand ninety-seven dollars thirty-seven cents; and for the year nineteen hundred two, on account of expenditures of the Eastern Michigan Asylum, the sum of one hundred fifty-six thousand three hundred thirty-eight dollars eighty-seven cents; for the Michigan Asylum, the sum of one hundred seventy-three thousand five hundred eighty-four dollars fourteen cents; for the Northern Michigan Asylum, the sum of one hundred fifty-seven thousand one hundred fifty-four dollars eighty-two cents; for the State Asylum, the sum of thirty-seven thousand four hundred seventy dollars sixty-six cents; for the Upper Peninsula Hospital for the Insane, the sum of forty-seven thousand four hundred forty-two dollars sixty-five cents; for the Wayne County Asylum, the sum of forty-one thousand three hundred sixteen dollars ninety cents, and for the St. Joseph's Retreat, the sum of one thousand ten dollars twenty cents, which sums, when collected, shall be placed to the credit of the general fund to reimburse the same for the moneys previously expended.

SEC. 2. The several sums appropriated or disbursed by the provisions of law for which this tax is levied shall be paid out of the general fund in the State treasury to the proper board or officer of the respective institutions at such times and in such amounts as the general accounting laws of the

State prescribe, and the disbursing officer of such institution shall render his accounts to the Auditor General thereunder.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 217.]

AN ACT to revise and amend the laws for the protection of game and birds.

The People of the State of Michigan enact:

SECTION 1. That no person shall injure, pursue, hunt or kill, or attempt to injure, kill or capture, by any means whatever, any deer on the island of Bois Blanc, or in the counties of Lapeer, Huron, Monroe, Sanilac, Tuscola, Macomb, Allegan, Ottawa and St. Clair until the first day of January, nineteen hundred six, and thereafter only at the time, in the manner and for the purpose authorized by law.

Protection of deer in certain counties until 1906.

SEC. 2. No person shall hunt, pursue, capture or kill, or attempt to hunt, pursue, capture or kill any moose, elk or caribou in this State for a period of ten years from and after the date this act shall take effect.

Moose, elk, etc., not to be killed for ten years.

SEC. 3. No person shall pursue, hunt, kill, or attempt to hunt, capture or kill any deer in this State, save only from the eighth day of November to the thirtieth day of November, both inclusive, in each year. No person shall kill or attempt to kill more than three deer in any one year, and then only at the time, in the manner and for the purpose authorized by law.

Deer season.

Number may kill.

SEC. 4. No person shall by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, upon any pretense or any device, sell or barter, or in consideration of the purchase of any other property, give to any other person any of the protected animals or birds mentioned in this act within the State of Michigan.

Game not to be sold.

SEC. 5. No person shall pursue, hunt or kill, or capture, or attempt to pursue, kill or capture, at any time or in any manner, any deer when it is in the red coat or any fawn in the spotted coat, or have in possession the skin of such deer or fawn in the red or spotted coat; and having in possession of such deer or fawn, or the skin of such deer or fawn, or the skin of such deer or fawn in the red or spotted coat shall be deemed prima facie evidence of a violation of this section.

Unlawful to kill deer in red coat, etc.

Evidence of violation.

SEC. 6. No person shall pursue, injure, capture, kill or destroy, or attempt to pursue, injure, capture, kill or destroy any fox squirrel (American squirrel), black squirrel or gray

Squirrel season.

	squirrel, save only from October fifteenth to November thirtieth both inclusive; nor shall any person pursue, injure, capture, kill or destroy any such squirrels at any time in any public or private park.
Lights not to be used.	SEC. 7. No person shall make use of any artificial light in hunting, pursuing or killing deer, and the wearing or having such light on the head, in the woods, shall be prima facie evidence of a violation of this section.
Dogs.	SEC. 8. No person or persons shall make use of a dog in hunting, pursuing or killing deer; the presence of a hound in woods, hunting camp, logging camp or club house during the deer-hunting season shall be prima facie evidence of their unlawful use. Any dog pursuing, killing or following upon the track of a deer is hereby declared to be a public nuisance, and may be killed by any person when so seen without criminal or civil liability.
When may be killed.	
Unlawful to kill pigeon, etc.	SEC. 9. No person shall kill, capture or destroy, or attempt to kill, capture or destroy, by any means whatever, any mourning dove or any Antwerp or homing pigeon within the limits of this State. It shall be unlawful for any person to kill or capture, or attempt to kill or capture by any means whatever, any pinnated grouse, commonly called prairie chickens, or any Mongolian or English pheasants, or any wild turkey, or any wild pigeon until the year nineteen hundred ten, and then only at the time, in the manner and for the purpose authorized by law.
Pheasants, etc., protected until 1910.	
Quail, partridge, etc., season.	SEC. 10. No person shall injure, kill or destroy, or attempt to injure, kill or destroy, by any means whatever, any ruffed grouse, commonly called partridge, or any colin, commonly called quail, or any spruce hen, or any woodcock, save only from October first to November thirtieth, both inclusive, in each year: <i>Provided</i> , That in the upper peninsula, partridge may be killed from October first to November thirtieth, both inclusive, in each year.
Quail, partridge, etc., season.	
Proviso.	
Water fowl, etc.	SEC. 11. No person shall injure, kill or destroy by any means whatever, any kind of wild duck, wild goose, brant, snipe, plover, or any kind of wild water fowl, save only from the first day of October to the thirtieth day of November following thereafter, both inclusive, and then only from one-half hour before sunrise until one hour after sunset of each day.
	No person or persons shall hunt, pursue, worry or kill any wild water fowl by any means whatever during such time as said person or persons are upon any floating device or contrivance propelled by or using as motive power steam, gas, naphtha, oil, gasoline or electricity; nor shall any person or persons make use of any swivel or punt gun for the killing of any wild water fowl, or make use of any battery, sink boat or similar device whatever, save only a gun of not greater size than ten caliber, such gun to be held in the hands at the time of firing: <i>Provided however</i> , That it shall be lawful to hunt and kill jack snipe, blue bill, canvas back,
Not to use floating device.	
Proviso.	

widgeon, pin tail, whistler, spoon bill, butter ball, and saw bill ducks between the second day of March and the tenth day of April in each year.

SEC. 12. No person or persons shall at any time make use of any pit, pitfall, dead-fall, scaffold, cage, snare, trap, net, baited hook, or any similar device, or any drug, poison, chemical or explosive, for the purpose of injuring, capturing or killing any birds or animals protected by the laws of this State, nor shall any person at any time or in any manner whatever, injure or destroy or rob the nest, or take, injure or destroy or have in possession the eggs of any bird protected by the laws of this State; or molest, harass or annoy such birds upon their nests.

Pitfalls, traps, etc., not to be used.

Nests not to be disturbed.

SEC. 13. No person or persons shall molest, harass or annoy, or break, train or practice any dog upon any game bird or animal referred to in this act during their respective closed seasons: *Provided*, That it shall be lawful for any person or persons to train or practice dogs upon game birds for fifteen days next preceding the opening of the season in each year: *Provided further*, That it shall be unlawful for any such person to have in his possession any firearms while so engaged in training and practicing such dogs.

Dogs, when not to be trained.

Proviso.

Further proviso.

SEC. 14. No person or persons shall at any time or in any manner, injure, kill, capture or destroy by any means whatever, any robin, nighthawk, whippoorwill, finch, thrush, lark, swallow, yellow bird, blue bird, brown thrasher, cat bird, wren, marten, oriole, sea gull, woodpecker, bobolink, or any song bird or insectivorous bird, excepting blackbirds, English sparrows and crows.

Certain birds not to be killed.

Exceptions.

SEC. 15. The term "game bird" used in this act shall be construed to mean all birds named or referred to except those mentioned and referred to in section fourteen.

Term game bird, how construed.

SEC. 16. No person shall have in possession the dead body or carcass or skin or any portion thereof, of any animal or bird mentioned or referred to in this act during the time when the killing of such animal or bird is unlawful, except as authorized by law.

Carcass, skin, etc., when not to have in possession.

SEC. 17. It shall be lawful for any person to have at any time in possession the dead body or carcass, or skin, or any portion thereof, of any animal or bird mentioned or referred to in this act for scientific purposes, or as specimens, or for his own consumption: *Provided*, That any person engaged in rearing any of the animals mentioned in this act, within an enclosure, may kill for his own use and consumption at any time, any of said animals, and may sell and transport alive any of said animals when accompanied by a permit from the State Fish and Game Warden; and it shall be the duty of the said State Fish and Game Warden to issue such permits upon application, when satisfied that such animals were so reared within an enclosure.

May have for scientific purposes, etc.

Proviso as to person raising animals.

What to be shown in certain prosecutions.

SEC. 18. In all prosecutions for a violation of any of the provisions of this act the person or persons claiming the benefit of the last preceding section must show affirmatively as a part of his defense on the examination or trial, that the animal or bird of which the dead body or carcass or skin, or any portion thereof, is shown to have been in his possession during the time when by law the killing of such animal or bird is unlawful, was killed at a time, in the manner and for the purpose authorized by law; and that his possession at the time complained of was for one of the purposes authorized by said section, and it shall not be necessary for the prosecution to aver or prove that such possession was not for one of the purposes authorized by said section.

Who to issue permits for transportation, etc., of deer skins.

SEC. 19. The State Game and Fish Warden is hereby given authority to issue permits for the transportation and sale of deer skins at any season of the year when satisfied such hides were killed at a lawful time and in a lawful manner; each hide so transported or sold shall have attached to it the original license tag while being so transported or sold.

Packages, etc., how marked.

All game or game birds transported under cover, shall be plainly marked on the outside of package such game or game birds are shipped in, with the name of the consignor and the consignee, the initial point of billing and the destination, together with an itemized statement of the quantity of game or game birds contained therein.

Each animal killed, etc., to be separate offense.

SEC. 20. The injuring, destruction or killing or capturing of each animal or bird injured, captured, killed or destroyed contrary to the provisions of this act shall be a separate offense, and the person so offending shall be liable to the penalties and punishments herein provided for each such offense. In all prosecutions for a violation of any of the provisions of this act, proof of the possession of the dead body or carcass, or skin, or any portion thereof of any animal or bird mentioned or referred to in this act, at a time when the killing thereof is unlawful, shall be prima facie evidence that such animal or bird was killed at a time when the killing thereof was prohibited by law. All person [persons] violating any of the provisions of this act, whether as principal, agent, servant or employe, shall be equally liable as principal, and any person or principal shall be liable for any violation of any of the provisions of this act, by his agent, servant or employe, done under his direction or knowledge.

Prima facie evidence.

Game warden may issue certain permits.

SEC. 21. The State Game and Fish Warden is hereby given authority to issue permits to any person to take, capture or kill any animal or bird mentioned in this act, at any time when satisfied such person desires the same exclusively as specimens or for scientific or propagating purposes. Such permit shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, and shall be signed by him and have attached the seal of his department; such permits shall not

Form, etc.

be transferable, nor shall it be lawful to sell or barter any of the birds or animals taken under such permit, and the holder of such permit shall be liable to the penalties provided in this act if he violates any of its provisions.

SEC. 22. The State Game and Fish Warden may issue permits to the trustees or custodian of any public park to transport out of this State any bird or animal held in such park, when satisfied that such transfer is for the purpose of exchange with other public parks outside of this State for other specimens for free exhibition in this State; such permits shall not be transferable and shall be in writing and issued under the seal of his department, and shall state the name and location of the public park, to whom issued, the kind and number of birds or animals to be so transferred, the name and location of the public park to whom transferred, and the kind and number of birds or animals for which exchange is made.

When park trustees may transport, etc.

SEC. 23. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, shall be punished by a fine of not less than ten dollars and not exceeding one hundred dollars, together with costs of prosecution, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court; and for the second, or any subsequent offense, shall upon conviction be punished by a fine of not less than fifty dollars and not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in the discretion of the court, and in all cases when a fine and costs is imposed the court shall sentence the offender to be confined in the county jail until such fine and costs are paid, for any period not exceeding the maximum jail penalty provided for such offense.

Penalty for violation of act.

SEC. 24. Act number one hundred five of the public acts of eighteen hundred ninety-three; act number eighty-three of the public acts of eighteen hundred ninety-seven; act number one hundred twelve of the public acts of eighteen hundred ninety-seven; act number one hundred fifty-nine of the public acts of eighteen hundred ninety-seven; act number ninety-one of the public acts of eighteen hundred ninety-nine; act number two hundred thirty-eight of the public acts of eighteen hundred ninety-nine, and all other acts and parts of acts in conflict with or inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

Approved June 6, 1901.

NOTE:—An opinion of the Attorney General under date of July 19, 1901, declares section 10 of this act void. Former provisions of law relative to quail, spruce hen, wood cock and partridge remain in full force and effect.

[No. 218.]

AN ACT making appropriations for the Michigan State Prison at Jackson for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

For what purposes.

Proviso.

Further proviso.

General repairs.

How paid.

Tax clause.

SECTION 1. That the sum of eight thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for purposes and amounts as follows: For building a new residence complete, including heating, lighting, sewerage and water fixtures, for the deputy warden, three thousand dollars; for building two guard towers, one at the northeast corner and one at the northwest corner of the new prison wall, one thousand dollars; for general repairs, four thousand dollars: *Provided*, That if the amount designated in this section for any one of the purposes stated be insufficient to complete the work or purchases, any surplus remaining after the completion of the other work or purchases specified in this section may be used in the account or accounts where such deficiency exists, the intent of this proviso being to make the entire eight thousand dollars available for the purposes stated herein: *Provided further*, That the board of control may obtain money under this section before July first, nineteen hundred one, in such amounts as they may by requisition certify to the Auditor General are necessary for immediate use, which amounts thus advanced shall be deducted from the total amount appropriated when the appropriation becomes available.

SEC. 2. The sum of four thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred three, for general repairs.

SEC. 3. The several sums appropriated by the provisions of this act shall be paid out of the general fund in the State treasury to the warden of the Michigan State Prison at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

SEC. 4. The Auditor General shall incorporate in the State tax for the year nineteen hundred one the sum of eight thousand dollars, and for the year nineteen hundred two the sum of four thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 219.]

AN ACT to amend section number thirteen of act number forty-four of the public acts of eighteen hundred and ninety-nine, entitled "An act to provide for the publication and distribution of the laws and documents, reports of the several officers, boards of officers and public institutions of this State, now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the official directory and legislative manual of the State of Michigan, and to repeal act number one hundred and twenty-two of the session laws of eighteen hundred and eighty-nine, approved May thirty-one, eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, approved March nineteen, eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act," approved April eighteenth, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

SECTION 1. That section thirteen of act number forty-four of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State, now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the official directory and legislative manual of the State of Michigan, and to repeal act number one hundred and twenty-two of the session laws of eighteen hundred eighty-nine, approved May thirty-one, eighteen hundred eighty-nine, act number twenty of the session laws of eighteen hundred eighty-nine, approved March nineteen, eighteen hundred eighty-nine, and all other laws or parts of laws contravening or inconsistent with this act," approved April eighteen, eighteen hundred eighty-nine, be and the same is hereby amended so as to read as follows:

SEC. 13. There shall be printed of the annual report of the Commissioner of Railroads one hundred copies for deposit with the Secretary of State for future use and distribution, one copy to each railroad commissioner in the United States, and one copy to each of the following named persons, to wit:

To each president, vice president, general manager, superintendent, and head of a department of any railroad company owning or operating a railroad in this State, such additional copies not to exceed six hundred, as the Railroad Commissioner may deem necessary for distribution; such report when printed shall be delivered on the order of the Secretary of State to the Commissioner of Railroads. Such report shall

Section
amended.

Report of
commissioner
of railroads.

Distribution
of, etc.

Additional
reports.

not exceed three hundred pages, including context and index; the pages to be of the size of the pages of the reports of the Commissioner of Railroads for the year eighteen hundred ninety-seven. In addition to the reports provided for in this section, the Commissioner of Railroads shall also be authorized to have printed not to exceed five hundred volumes containing the annual reports in full of the railroad companies which are made to the Commissioner of Railroads, such volumes to contain not to exceed seven hundred pages each; such additional reports to be distributed by the Commissioner of Railroads in his discretion.

Approved June 6, 1901.

[No. 220.]

AN ACT to amend section twenty-two of act number one hundred and eighty-six of the public acts of eighteen hundred ninety-seven, entitled "An act defining the limits of the judicial circuits of the State of Michigan," as amended by act number fifteen of the public acts of eighteen hundred ninety-nine, and to add a new section thereto.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-two of act number one hundred eighty-six of the public acts of eighteen hundred ninety-seven, entitled "An act defining the limits of the judicial circuits of the State of Michigan," as amended by act number fifteen of the public acts of eighteen hundred ninety-nine, be and the same is hereby amended and one new section is hereby added to said act, creating the thirty-eighth judicial circuit, said amended section and added section to read as follows:

Twenty-
second circuit.

SEC. 22. The twenty-second circuit shall be composed of the county of Washtenaw.

Thirty-eighth.

SEC. 37. The thirty-eighth circuit shall be composed of the county of Monroe.

Approved June 6, 1901.

[No. 221.]

AN ACT to amend section ten of act number one hundred twenty-four of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government of the Michigan Asylum for Dangerous and Criminal Insane and the inmates therein, and to repeal act one hundred and ninety, laws of eighteen hundred and eighty-three and all acts amendatory thereto, and all of that portion of act one hundred and forty, laws of eighteen hundred and ninety-one which conflicts with this act, being an act entitled 'An act to provide for a State Board of Inspectors, who shall perform the duties now performed by the advisory board in matters of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing, and the Industrial Home for Girls at Adrian, and to abolish all existing boards and to annul all existing appointments,' " being section one thousand nine hundred sixty-three of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section ten of act one hundred twenty-four of the public acts of eighteen hundred ninety-three, being section one thousand nine hundred sixty-three of the compiled laws of eighteen hundred ninety-seven, be and hereby is amended to read as follows: Section amended.

(1963) SEC. 10. The trustees shall maintain an effective inspection of the asylum; a majority shall visit it once in three months, and as much oftener as they deem proper; they shall meet jointly with the trustees of the other asylums of the State at least twice each year; in a book kept by the board of trustees for this purpose, the visiting trustee or trustees shall note the date of each visit, the condition of the house, patients, etc., with such remarks as shall be deemed proper. The general result of these inspections shall be inserted in their report, which the board shall make to the legislature each biennial period, accompanied with the reports of the medical superintendent and treasurer. Duties of trustees.
Report.

Approved June 6, 1901.

[No. 222.]

AN ACT relating to plumbing and drainage, and providing for the inspection thereof and for the examination, regulation, licensing and registration of plumbers and for the punishment of offenders against this act.

The People of the State of Michigan enact:

Who to appoint board of examiners.

Of what to consist.

Term of office.

Vacancy, how filled.

SECTION 1. Within thirty days after this act shall take effect, it shall be the duty of the local board of health, and if there be no local board of health then it shall be the duty of the mayor of each of the cities of this State to appoint a board for the examination of plumbers, to examine, license and register plumbers and formulate rules and regulations therefor subject to the approval of such boards of health. Such board shall consist of five persons, of whom one shall be an employing or master plumber of not less than ten years' experience in the business of plumbing, and one shall be a journeyman plumber of like experience, and the other members of such board shall be the officers in charge of the plumbing and drainage department of the board of health of such city, and the chief engineer having charge of sewers in such city, but in the event of there being no such officers in such city, then any other two officers having charge or supervision of the plumbing, drainage or sewerage, whom the mayor shall designate and appoint, or two members of the board of health of such city having like duties or acting in like capacities. The term of office of the master and journeyman plumbers first appointed under the provisions of this act shall be as follows, to wit: One shall be appointed and hold office from the time of such appointment until the first day of January, nineteen hundred two, and until his successor shall be appointed. One shall be appointed and hold office from the time of such appointment until the first day of January, nineteen hundred three, and until his successor shall be appointed, their term of office to expire respectively on the first day of January, nineteen hundred two, the first day of January, nineteen hundred three, and the board of health, and if there be no such board of health it shall be the duty of the mayor in making the first appointments under this act, for each one so appointed to specify the duration of the term of office to which he makes said appointments, and annually thereafter, within ten days prior to the time of the expiration of the term of office of any such member of the board, his successor shall be appointed by the board of health, and if there be no such board of health it shall be the duty of the mayor to appoint for the term of two years, or until a successor shall be appointed, and the board of health, and if there be no such board, the mayor shall have power to fill any vacancy caused in such board of examiners by the

death, removal, inability to act, resignation or removal from the city of any member thereof, and such appointment shall be for the unexpired term. Such officer in charge of the plumbing and drainage department, and such chief engineer in charge of sewers, or the officers holding equivalent positions or acting in like capacities, designated or appointed by the board of health, and if there be no such board of health, by the mayor as herein provided, when they shall cease to hold the offices by reason or on account of which they were so designated or appointed, their successors shall act on the examining board in their stead.

SEC. 2. The master and journeyman plumbers serving as members of such board shall severally be paid at the rate of four dollars per day for each day's services when actually engaged in the performance of their duties pertaining to the office; but such compensation shall not exceed the sum of five dollars per month in cities of twenty-five thousand inhabitants or less, nor the sum of ten dollars per month in cities having a population of over twenty-five thousand and less than three hundred thousand, nor a sum of twenty dollars per month in cities having a population of over three hundred thousand.

Compensation.

SEC. 3. All the members of such board shall be citizens and actual residents of the cities in which they are appointed.

To be resident citizens.

SEC. 4. The several boards of examiners who shall be appointed under this act shall have power and it shall be their duty to meet at stated intervals in their respective cities not less than four times each year; they shall also meet whenever the board of health of such city and if there be no such board of health, then when the mayor thereof, shall in writing request them to do so; to have jurisdiction over and to examine all persons desiring to engage in the trade, business or calling of plumbing, either as journeymen or employing or master plumbers in the city in which such board shall be appointed, with the power of examining all persons applying for a license as such journeyman or employing or master plumbers, or as inspectors of plumbing, to determine their fitness and qualifications for conducting the trade, calling or business of journeymen or of master plumbers, or to act as inspector of plumbing, and to issue licenses to all such persons who shall have submitted to and passed a satisfactory examination before such board, and shall be by it determined to be qualified for engaging in, carrying on or conducting the trade, calling or business of journeyman or employing or master plumber, or competent to act as inspectors of plumbing; to formulate, with the approval of the local board of health of the city in which it shall act, a code of rules regulating all plumbing and drainage work connected therewith in such city, including the proper materials, and workmanship, and from time to time to add to, amend or alter the

Meetings of board.

Powers, duties, etc.

Examination fee. same; to charge and collect from each person applying for examination the sum of two dollars for each regular examination made by said board, and all money so collected shall be paid over by the board monthly to the treasurer of such city in which said board shall be appointed.

Plumbers to be examined before practicing. SEC. 5. Any person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in any of the cities of this State as journeyman, employing or master plumber, shall be required to submit to an examination before such board of examiners as to his experience and qualifications in such trade, business or calling: *Provided*,

Proviso.

That every person now engaged in the trade, business or calling of journeyman, master or employing plumber in any city of this State and who has been engaged for a period of two years or more, upon satisfactory proof made before, or filed with such examining board of the truth thereof, together with a statement verified by his oath showing his name, place of business, postoffice address and length of time he actually served as a plumber, and upon the payment to said board of the sum of two dollars, shall be entitled to receive from said board a license without further or other examination; all sums so collected shall be paid over to the treasurer, as in case of fees received for examination:

Further proviso as to temporary license.

Provided further however, That any person coming into this State and desiring to engage in any city of this State in the trade, calling or business of plumbing, either as journeyman plumber, or employing plumber, or any person in this State desiring to engage in such trade, calling or business, if at a time when said board is not in session, upon satisfactory proofs made by him either by examination or otherwise to any two members of said board of his fitness and qualifications to engage in such trade, business or calling, shall be entitled to receive from said two members a temporary license, which shall entitle him to engage in and carry on such trade, calling or business until the next regular meeting of such board, when he shall be required to submit to the regular examination of such board; and after a period of sixty days from the time this act shall take effect it shall not be lawful in any city in this State for any person to conduct such trade, business or calling, unless he shall have first obtained a license from such board, or from two members thereof, as provided in the proviso last above set forth, of the city in which he conducts, or proposes to conduct, engage in or carry on such business, trade or calling.

When unlawful to conduct trade.

When plumbers to register names with board of health.

SEC. 6. Within ninety days after this act shall take effect every journeyman, employing or master plumber carrying on his trade, business or calling in any of the cities of this State, shall register his name and postoffice address at the office of the board of health of the city in which he shall carry on or conduct such trade, business or calling, under such rules and regulations as the respective boards of health

of each of the cities of this State shall respectively prescribe, and thereupon he shall be entitled to receive a certificate of such registration: *Provided however*, That such journeyman, Proviso. employing or master plumber shall at the time of applying for registration, hold a license from an examining board. And after a period of ninety days from the time this act shall take effect it shall not be lawful for any person to engage in, or carry on the trade, business or calling of journeyman, employing or master plumber in any of the cities of this State unless his name and postoffice address shall have been registered, as above provided.

SEC. 7. Within thirty days after the organization of such Inspectors, how and when appointed. examining board in any of the cities of this State, the local board of health, shall detail, designate and appoint for the purposes of this act and the enforcement of the provisions thereof and the work of inspecting the plumbing and drainage of buildings in said city, an inspector, or inspectors, of plumbing and drainage work connected therewith subject, however, to the provisions or limitations of existing laws regulating the appointment of inspectors by such commissioner or commissioners, or board or department of health of such city. The terms of inspector or inspectors shall be Term of office. subject to termination by the commissioner or commissioners, board or department of health of such city at any time. But all inspectors of plumbing so detailed, designated and appointed, and all inspectors shall not be engaged directly or indirectly in the business of plumbing during the period of their appointment, and they shall be citizens and actual residents of the city of which they are appointed. They shall be Compensation. entitled to receive such compensation as shall be fixed by the board, commission or department making such appointment.

SEC. 8. The duties of the inspector or inspectors of plumbing Duties, etc. appointed under the provision for this act, shall be to inspect the construction and alteration of all plumbing and drainage work connected therewith performed in such city, and to report in writing the results of such inspection to the said commissioner of health, or the board of health, or the health department of their respective cities; they shall also To report certain persons. report in like manner any person engaged in or carrying on the business, trade or calling of journeyman or master or employing plumber, without having the certificates hereinbefore provided.

SEC. 9. All certificates of registration issued under the provisions of this act and all licenses authorizing connections with street sewers or water mains shall expire on the thirty-first day of December of the year in which they shall be issued, and may be renewed within thirty days preceding such expiration, such renewals to be for one year from the first day of January in each year: *Provided*, That a certificate Certificates, when to expire, renewal, etc. of registration issued to a person under the provisions of the Proviso.

last proviso of section five of this act shall expire at the time of the next regular meeting of the board of examiners of such city, and shall not be renewed unless the person requesting such renewal shall then hold a license issued by the board of examiners.

Procedure on
report of
violation of
plumbing
regulations.

SEC. 10. Whenever any inspector or other person reports a violation of any of the said rules and regulations for plumbing and drainage work connected therewith or a deviation from any officially approved plans or specifications for plumbing and drainage work connected therewith filed with any board or department, the local board of health shall first serve a notice of violation thereof upon the plumber doing the work. Such notice may be served personally or by mail, and if by mail it may be addressed to such plumber at the address registered by him with such local health board; but the failure of such plumber to register will relieve any board of health from the requirements of giving notice of violation. Unless the violation is corrected within three days after the date of serving or mailing such notice, exclusive of the day of mailing or serving, the board of health may proceed according to law.

When work
to be done
according
to certain
regulations.

SEC. 11. From and after ninety days after this act shall take effect the plumbing and drainage work connected therewith of all buildings, both public and private, of each of the cities of this State, shall be executed in accordance with the rules and regulations formulated by the local board of examiners and approved by the board of health, for plumbing and drainage work connected therewith, and all repairs and alterations in the plumbing and drainage work connected therewith of all building [buildings] heretofore constructed, shall also be executed in accordance with such rules and regulations, where the board of health shall have control, but this section shall not be construed to repeal any existing provision of law requiring plans for the plumbing and drainage work as aforesaid of new buildings to be filed with any local board of health, and to be previously approved in writing by said board of health, and to be executed in accordance therewith, except that in any case of any conflict between such plans and the rules and regulations of the board of examiners and board of health, the latter shall govern.

Section, how
construed.

Office,
stationery,
etc., to be
procured.

Clerk.

SEC. 12. Each of such boards of examiners shall have power to procure suitable quarters for the transaction of business, to provide the necessary furniture, books and stationery, and to employ a clerk whose duty it shall be to keep a detailed and accurate record of all acts and proceedings of such board. The board of estimates and the common council of every city in this State shall annually insert in their tax levy a sufficient sum to meet the expenditures incurred under the provisions of this act; and all expenses incurred by the several boards of examiners in the execution and performance of the duties imposed by this act, including the per diem of

Expenses,
how levied,
paid, etc.

the board of examiners and compensation of the inspector or inspectors of plumbing and drainage as fixed by the board, commissioner or department making their appointments shall be a charge on the respective cities, and shall be audited, levied, collected and paid in the same manner as other city charges are audited, levied, collected and paid.

SEC. 13. Any person violating any of the provisions of this act, or any of the rules and regulations of the board of examiners as approved by the board of health of any city in this State regulating the plumbing and drainage work connected therewith of such city, shall upon conviction thereof be deemed guilty of a misdemeanor and be punished by a fine of not exceeding \$100 and the cost of prosecution, or by imprisonment in the county jail for a period not exceeding ninety days, or both such fine and imprisonment in the discretion of the court. Penalty for violation of act.

SEC. 14. After the passage of this act the commissioner or the board of public works of any city, or the officer or officers acting in a like capacity in any of the cities of this State, and having charge of the sewers and water mains, shall not issue a license to any one to connect with the sewers or with the water mains of such cities, unless such person has obtained and shall produce a certificate of registration, which is then in force, from the board of health of such city. License for making sewer connections, etc., when issued.

SEC. 15. This act shall not apply to cities containing less than fifteen thousand inhabitants. Application of act.

SEC. 16. All acts or parts of acts in any way inconsistent with or repugnant to the provisions of this act are hereby repealed. Repealing clause.

Approved June 6, 1901.

[No. 223.]

AN ACT to provide for the presentation of bronze medals to the sailors and soldiers who enlisted and served in the Spanish-American war and in the campaign in the Philippine islands, from Michigan; also in certain cases to the relatives of such sailors and soldiers who perished in such service; to make an appropriation therefor, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there shall be presented by the State of Michigan to every surviving sailor and soldier who enlisted as a citizen or resident of Michigan and served in a Michigan regiment, or who enlisted as citizens or residents of Mich- Bronze medals, to whom presented.

igan in the regular army or navy, in the Spanish-American war of eighteen hundred ninety-eight, or in the campaign in the Philippine islands, at any time from the commencement of hostilities there until January one, nineteen hundred one, and to the family of such sailor or soldier who may have perished in such war or in such service, or who may have died since his return, and to such other persons as are hereinafter designated, a bronze medal of honor.

How inscribed. SEC. 2. The said medal shall be inscribed with the name of the recipient thereof, together with the proper designation of his regiment and company where he served in the army, and name of vessel where he served in the navy, or where such medal is given to the family of a deceased sailor, soldier, or to the person in such case entitled thereto, the inscription shall state that it is given in memory of such person, and when presented to a non-enlisted person the inscription shall state the reason for such presentation. The State Military Board shall decide the person designated to receive such medal, in case where the same, by the provisions of this act, is awarded to the family of a deceased person. The said board shall make such proper rules and regulations as they may deem necessary to govern applications for the medals contemplated by this act, and the distribution thereof, and shall perform all services in connection therewith without additional compensation.

Military board
to make rules,
etc.

Duty of board
relative to
design.

Metal, where
procured.

Cost.

Who to pre-
sent medals.

Other persons
to receive
medals.

Appropriation.

SEC. 3. It shall be the duty of the said State Military Board, subject to the approval of the Governor, to decide upon the design and supervise the making of such medals, and in such duty they shall be governed as nearly as may be practical by the regulations provided by law for governing the transactions of the Quartermaster General. The State Military Board shall, if possible, procure from the United States government, or otherwise, to be used in the making of such medals, appropriate trophy metal of the said Spanish-American war, but in no case shall the cost of the medals exceed eighty cents each, nor shall the quantity contracted for exceed in price the sum of four thousand dollars.

SEC. 4. When the said medals shall be finished and the State Military Board shall have arranged for the distribution of all or part of the same, the presentation thereof shall be made by the Governor of the State in the name of the people thereof.

SEC. 5. The State Military Board, with the approval of the Governor, in each case, may provide such medals for presentation to persons, or as hereinbefore provided, to families of such deceased persons who, as attendant nurses or newspaper correspondents, have rendered service making them deserving of such recognition.

SEC. 6. The sum of four thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for the purpose of carrying out the provisions

of this act, the expenditure of which shall be based upon vouchers fully itemized and properly certified by the State Military Board. Upon presentation to the Auditor General of such vouchers, he shall draw his warrant upon the State treasury in payment thereof.

SEC. 7. The Auditor General shall incorporate in the State ^{Tax clause.} tax for the year nineteen hundred one the sum of four thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the money hereby appropriated.

Approved June 6, 1901.

[No. 224.]

AN ACT to protect the owners of bottles, boxes, siphons, fountains and kegs, used in the sale of milk, cream, or other dairy products, soda water, mineral, drinking or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, fruits, preserves, cordials, drugs, medicines, mixtures, perfumes, compounds or other manufactured articles or beverages, and to repeal act number thirty-six of the public acts of eighteen hundred ninety-seven, entitled "An act to protect the owners of bottles, boxes, siphons, fountains and kegs, used in the sale of milk, cream, soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, or other beverages," approved March twenty-fifth, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That any and all persons or corporations engaged in manufacturing, bottling, or selling soda water, mineral, drinking or aerated waters, porter, ale, cider, ginger ale, milk, cream, or other dairy products, small beer, lager beer, Weiss beer, beer, white beer, fruits, preserves, cordials, drugs, medicines, perfumes, mixtures, compounds or other manufactured articles or beverages, in bottles, boxes, siphons, fountains or kegs, with his, her, its or their name or names or other mark or device, together with the word "Registered," branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, siphons, fountains or kegs, or the boxes used by him, her, it or them, may file in the office of the clerk in the county in which his, her, its or their principal place of business is located, and also in the office of the Secretary of State, a description of the name or names, marks or devices so used by him, her, it or them, re-

How bottles,
etc., to be
marked and
branded.

Where
description
filed.

To be published.

spectively, and cause such description to be printed once in each week for three weeks successively in a newspaper published in the county in which said notice may be filed as aforesaid.

When unlawful for others to use such bottles, etc.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda water, mineral, drinking or aerated waters, porter, ale, cider, ginger ale, milk, cream, or other dairy products, small beer, lager beer, Weiss beer, beer, white beer, fruits, preserves, cordials, drugs, medicines, mixtures, perfumes or other compounds of manufactured articles or beverages, any bottle, box, siphon, fountain or keg, so marked or distinguished as aforesaid, with or by any name, mark or device of which a description shall have been filed and published as provided for in section one of this act, or to deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, or device thereon; or to buy, sell, give, take or otherwise dispose of, or traffic in the same, without the written consent of, or unless the same shall have been purchased from the person or persons, corporation or corporations, or other persons dealing in, and selling such bottles, boxes, siphons, fountains or kegs, or the contents thereof, and whose mark or device shall be or shall have been upon the bottle, box, siphon or keg so filled, trafficked in, used or handled as aforesaid; any person or persons, corporation or corporations, offending against the provisions of this section shall be guilty of a misdemeanor and shall be punished for the first offense by imprisonment of not less than ten days or more than ninety days, or by a fine of fifty cents for each and every bottle, box, siphon, fountain or keg so filled, sold, used, disposed of, bought or trafficked in, or by both such fine and imprisonment in the discretion of the court before whom the offense shall be tried; and for each subsequent offense by imprisonment of not less than ten days or more than thirty days, or by a fine of not less than one dollar or more than five dollars for each and every bottle, box, siphon, fountain or keg so filled, used, sold, disposed of, bought or trafficked in, or by both such fine and imprisonment in the discretion of the court before whom the offense shall have been tried:

Penalty.

Proviso.

Provided, That any bottler or bottlers having in his, her, its or their possession any registered box, bottle, siphon, fountain or keg, at the time the same shall be registered, shall, upon relinquishing the same to their owner be entitled to the actual value of the same from the said owner, and a refusal of such owner to accept and pay for them shall exempt the said bottler from any prosecution for violation of the provisions of this act as far as those particular boxes, bottles, siphons or kegs are concerned.

Use of bottles, etc., without consent of owner.

SEC. 3. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be or shall have been upon the same, without such

written consent or purchase as aforesaid, of any such marked or distinguished bottle, box, siphon, fountain or keg, a description of the name, mark or device whereon shall have been filed and published as herein provided, for the sale of soda water, mineral, drinking or aerated waters, porter, ale, cider, ginger ale, milk, cream, or other dairy products, small beer, lager beer, Weiss beer, beer, white beer, fruits, preserves, cordials, drugs, medicines, mixtures, perfumes, compounds, or other manufactured articles or beverages, or for the furnishing of such similar beverages and articles to customers, or the selling, disposing of or trafficking in any such bottles, boxes, siphons, fountains or kegs, by any persons other than the persons or corporations having the name, mark or device thereon, of such owner, without such written consent; or the having by any junk dealer or dealer in second hand articles possession of any such bottles, boxes, siphons, fountains or kegs, a description of the name, mark or device used wherein shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the unlawful use, purchase or traffic in of such bottles, boxes, siphons, fountains or kegs.

SEC. 4. Whenever any person or persons, or the president, secretary, treasurer, or other officer of any corporation mentioned in section one of this act, or his, her, its or their duly authorized agent who has personal knowledge of the facts, shall make oath in writing before any justice of the peace or police judge, or other magistrate, that the party so making such affidavit has reason to believe and does believe that any of his, her, its or their bottles, boxes, siphons, fountains or kegs containing a description of the name, marks or devices duly registered as provided in section one of this act are being filled or had by any person or corporation manufacturing or selling soda water, mineral, drinking or aerated waters, porter, ale, cider, ginger ale, milk, cream, or other dairy products, small beer, lager beer, Weiss beer, beer, white beer, fruits, preserves, cordials, drugs, medicines, mixtures, perfumes, compounds or other manufactured articles or beverages, or that any junk dealer or dealer in second hand articles, vendor of bottles, or any such person or corporation has any such bottles, boxes, siphons, fountains or kegs in his, her, its, or their possession, the said magistrate may, when satisfied that there is reasonable cause, issue a search warrant and cause the premises designated to be searched for the purpose of discovering and obtaining the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, fountains or kegs may be found, and shall then inquire into the circumstances of such possession; and if said magistrate finds that such person has been guilty of a violation of section two of this act, he must impose the punishment therein prescribed, and he shall also

How and when
search warrant
may be issued.

award the possession of property taken upon such search warrant to the owner thereof.

Costs, how
paid.

SEC. 5. The costs incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over to the magistrate collecting the same, in the same manner and for the same purposes as criminal and misdemeanor fines are now by law disposed of.

Repealing
clause.

SEC. 6. Act number thirty-six of the public acts of eighteen hundred ninety-seven, being sections five thousand six hundred seventy-six, five thousand six hundred seventy-seven, five thousand six hundred seventy-eight, five thousand six hundred seventy-nine, and five thousand six hundred eighty of compiled laws of eighteen hundred ninety-seven is hereby repealed.

This act is ordered to take effect June first, nineteen hundred one.

Approved June 6, 1901.

[No. 225.]

AN ACT to amend section one of act number two hundred thirty-three of the session laws of eighteen hundred sixty-one, entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," approved March sixteen, eighteen hundred sixty-one, as subsequently amended, and being compiler's section ten thousand ten of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number two hundred [thirty] sixty-three of the session laws of eighteen hundred sixty-one, entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," approved March sixteen, eighteen hundred sixty-one, as subsequently amended, and being compiler's section ten thousand ten of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Proceedings
in commence-
ment of
certain suits.

(10010.) SECTION 1. That when an action on any contract or obligation or an action of ejectment, or an action for trespass on lands, or an action of trespass on the case for injuries to real estate, or an action of trespass on the case for other damages, shall have been or shall be brought in any circuit court of this State against two or more joint defendants, one or more of whom shall not reside or be found in the

county where the suit shall be brought, and one or more of the defendants shall be served with process or declaration in the county where suit is commenced, or property in his or their possession shall be attached in said county, or goods, chattels, moneys or effects shall be garnished in said county, the plaintiff in such action may sue out one or more writs of summons or other writ whereby such suit was commenced, directed to the sheriff of the county where such defendants not so served may be found or where the property liable to be attached or garnished may be or he may cause a copy of the declaration filed in such cause, with notice of the rule to plead, to be served on the defendants not elsewhere served in any other county in this State; and it shall be the duty of such sheriff to serve such process or declaration or notice and make return thereof to the county clerk of the county where the suit is commenced: *Provided*, That in any such action on any contract or obligation such joint defendants are original parties to such contract or obligation, and not made parties thereto by being indorsers or guarantors of such contract or obligation.

Duty of
sheriff.

Proviso.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 226.]

AN ACT to amend section one of act number one hundred nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations; to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation and to repeal all existing acts inconsistent therewith."

The People of the State of Michigan enact:

SECTION 1. That section one of act number one hundred nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations; to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation and to repeal all existing acts inconsistent therewith," be and the same is hereby amended so as to read as follows:

Section
amended.

SECTION 1. That a fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association having a lodge system with ritualistic form of

Certain associ-
ations defined.

Fund for payment of benefits, how derived.

Proviso as to beneficiary.

How governed.

Further proviso as to affianced wife.

Further proviso as to death claim.

Proviso as to certain association.

work and a representative form of government, formed or organized and carried on for the sole benefit of its members and their beneficiaries and not for profit. Such association making provision for the payment of death benefits, may, in addition thereto, provide for the payment of benefits in the case of accident, sickness, disability, or old age of its members. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be made only to the wife, husband, children and dependent children, mother, father, sister, brother, or blood relatives to the fourth degree of the member: *Provided*, That where an applicant or member has no relative as above provided, to whom he may make his certificate payable, in such case he may designate any other person or make his estate his beneficiary. Such association shall be governed by this act and shall be exempt from the provisions of the insurance laws of this State, excepting as provided by this act: *Provided further*, That when the laws of any such association already provide that an affianced wife, or any other person who is dependent upon the member for maintenance, food, clothing, lodging or education, may be made the beneficiary, payment of death benefits may be made to such beneficiaries but no certificate of membership shall be made payable to, nor any death benefit paid to an affianced wife, or any beneficiary by reason of dependency as hereinbefore provided, unless satisfactory proof of such affianced relation or dependency shall have been filed with, and accepted by, the executive officers of such association: *And provided further*, That no death claim shall be a valid claim against any such association, where the deceased member came to his or her death by unlawful means, at the hands or through the procurement or connivance of the beneficiary named therein, and as to such beneficiary, the benefit certificates issued to such deceased member shall become null and void: *Provided*, That the provisions of this section requiring a ritualistic form of work shall not apply to the New Era Association of Grand Rapids, heretofore incorporated and doing business under the provisions of this act.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 227.]

AN ACT to prohibit fishing with nets in waters tributary to Saginaw river and to provide a penalty therefor.

The People of the State of Michigan enact:

SECTION 1. That it shall not be lawful to fish with nets in any waters tributary to Saginaw river except in the county of Bay. Unlawful to fish with nets.

SEC. 2. Any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars and costs of suit, or imprisonment in the county jail not less than thirty days nor to exceed six months in the discretion of the court. Penalty for violation.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

Approved June 6, 1901.

[No. 228.]

AN ACT making appropriations for the Michigan School for the Deaf for the fiscal years ending June thirty, nineteen hundred two, and June thirty, nineteen hundred three, and to provide for a tax to meet the same.

The People of the State of Michigan enact:

SECTION 1. That there be and is hereby appropriated for the current expenses of the Michigan School for the Deaf for the fiscal year ending June thirty, nineteen hundred two, the sum of seventy-nine thousand five hundred dollars, and for the fiscal year ending June thirty, nineteen hundred three, the sum of eighty thousand five hundred dollars. Appropriation for expenses.

SEC. 2. The further sum of thirty-three thousand one hundred twenty-five dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred two, for purposes and amounts as follows: For the purchase of not less than one hundred fifteen acres of land, nine thousand six hundred twenty-five dollars; for addition to dining room and kitchen complete, with furnishings, eight thousand dollars; for electric light plant, with wiring and furnishings complete, twelve thousand dollars; for painting and calcimining, one thousand five hundred dollars; for fences, walks and grounds, one thousand five hundred dollars; for equipping and maintaining the pupils' library and reading rooms, five hundred dol-

dollars, and for the year nineteen hundred two, the sum of five hundred thousand dollars, to be raised by tax to meet the several appropriations made by law wherein no tax is otherwise provided.

To be paid out
of general
fund.

SEC. 2. The several sums appropriated by the provisions of any act to meet which this act provides a tax shall, so far as moneys are required to be paid to the board or officers of any institution or commission, be paid out of the general fund in the State treasury to the proper board or officer at such times and in such amounts as the general accounting laws of the State prescribe and the disbursing officer of such board or commission shall render his accounts to the Auditor General thereunder.

How taxes
apportioned.

SEC. 3. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties in this State as provided by law for the apportionment of State taxes.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 231.]

AN ACT providing for the extension of the work of the State Board of Geological Survey, making an appropriation to meet the expenses thereof, and providing for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That there be and is hereby appropriated for the Board of Geological Survey, as constituted by act number sixty-five, of the laws of eighteen hundred sixty-nine, for reprinting reports and maps of the Douglass Houghton survey and publication of current reports, the sum of two thousand eight hundred dollars.

How paid.

SEC. 2. The several sums appropriated by the provisions of this act shall first be certified to be correct by said board, and shall be paid out of the State treasury upon the warrant of the Auditor General from the fund appropriated for the purpose: *Provided*, That bills for the expenses for printing and publication shall, after approval by the board, be presented to the State Board of Auditors, and after allowance by them, audited by the Auditor General.

Proviso.

To be incorporated in
state tax.

SEC. 3. The Auditor General shall incorporate with the State tax for the year nineteen hundred one the sum of two thousand eight hundred dollars, which, when collected, shall

be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 232.]

AN ACT to extend aid to the Michigan Agricultural College.

The People of the State of Michigan enact:

SECTION 1. That there shall be assessed in the year nineteen hundred one, and each year thereafter, upon the taxable property of the State as fixed by the State Board of Equalization in the year nineteen hundred one and each five years thereafter, for the use and maintenance of the Michigan Agricultural College, the Upper Peninsula Experiment Station, and such other experiment stations as have been established, the sum of one-tenth of a mill on each dollar of said taxable property: *Provided*, That not more than one hundred thousand dollars shall be assessed in any one year. The State Board of Agriculture shall make an annual report to the Governor of the State of all the receipts and expenditures of the Michigan Agricultural College, the Upper Peninsula Experiment Station, and such other experiment stations as have been established.

Assessment
on taxable
property.

Proviso as
to amount.

SEC. 2. Any amount standing to the credit of the college in the Agricultural College interest fund, June thirty, nineteen hundred one, may, in the discretion of the Michigan State Board of Agriculture, be used for building or other extraordinary expenses, and any amount raised by this act in excess of the amount needed for current expenses during any fiscal year may be used for building and other extraordinary purposes in the discretion of the said board: *Provided*, That no building or other extraordinary outlay shall be commenced until the accumulation under this act is sufficient to complete the building or other extraordinary undertaking: *Provided further*, That the Michigan State Board of Agriculture shall maintain at all times a sufficient corps of instructors in all the courses of study of the Agricultural College as at present constituted, so as to afford proper means and facilities for instruction and graduation in each of the courses of study of the said Agricultural College, the same being known as the agricultural department, the mechanical department and the woman's department; shall support and maintain the Upper Peninsula Experiment Station, and such

Excess, how
used.

Proviso.

Further
proviso
as to teachers,
etc.

dollars, and for the year nineteen hundred two, the sum of five hundred thousand dollars, to be raised by tax to meet the several appropriations made by law wherein no tax is otherwise provided.

To be paid out
of general
fund.

SEC. 2. The several sums appropriated by the provisions of any act to meet which this act provides a tax shall, so far as moneys are required to be paid to the board or officers of any institution or commission, be paid out of the general fund in the State treasury to the proper board or officer at such times and in such amounts as the general accounting laws of the State prescribe and the disbursing officer of such board or commission shall render his accounts to the Auditor General thereunder.

How taxes
apportioned.

SEC. 3. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties in this State as provided by law for the apportionment of State taxes.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 231.]

AN ACT providing for the extension of the work of the State Board of Geological Survey, making an appropriation to meet the expenses thereof, and providing for a tax to meet the same.

The People of the State of Michigan enact:

Appropriation.

SECTION 1. That there be and is hereby appropriated for the Board of Geological Survey, as constituted by act number sixty-five, of the laws of eighteen hundred sixty-nine, for reprinting reports and maps of the Douglass Houghton survey and publication of current reports, the sum of two thousand eight hundred dollars.

How paid.

SEC. 2. The several sums appropriated by the provisions of this act shall first be certified to be correct by said board, and shall be paid out of the State treasury upon the warrant of the Auditor General from the fund appropriated for the purpose: *Provided*, That bills for the expenses for printing and publication shall, after approval by the board, be presented to the State Board of Auditors, and after allowance by them, audited by the Auditor General.

Proviso.

To be incorporated in
state tax.

SEC. 3. The Auditor General shall incorporate with the State tax for the year nineteen hundred one the sum of two thousand eight hundred dollars, which, when collected, shall

be credited to the general fund to reimburse the same for the money hereby appropriated.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 232.]

AN ACT to extend aid to the Michigan Agricultural College.

The People of the State of Michigan enact:

SECTION 1. That there shall be assessed in the year nineteen hundred one, and each year thereafter, upon the taxable property of the State as fixed by the State Board of Equalization in the year nineteen hundred one and each five years thereafter, for the use and maintenance of the Michigan Agricultural College, the Upper Peninsula Experiment Station, and such other experiment stations as have been established, the sum of one-tenth of a mill on each dollar of said taxable property: *Provided*, That not more than one hundred thousand dollars shall be assessed in any one year. The State Board of Agriculture shall make an annual report to the Governor of the State of all the receipts and expenditures of the Michigan Agricultural College, the Upper Peninsula Experiment Station, and such other experiment stations as have been established.

Assessment
on taxable
property.

Proviso as
to amount.

SEC. 2. Any amount standing to the credit of the college in the Agricultural College interest fund, June thirty, nineteen hundred one, may, in the discretion of the Michigan State Board of Agriculture, be used for building or other extraordinary expenses, and any amount raised by this act in excess of the amount needed for current expenses during any fiscal year may be used for building and other extraordinary purposes in the discretion of the said board: *Provided*, That no building or other extraordinary outlay shall be commenced until the accumulation under this act is sufficient to complete the building or other extraordinary undertaking: *Provided further*, That the Michigan State Board of Agriculture shall maintain at all times a sufficient corps of instructors in all the courses of study of the Agricultural College as at present constituted, so as to afford proper means and facilities for instruction and graduation in each of the courses of study of the said Agricultural College, the same being known as the agricultural department, the mechanical department and the woman's department; shall support and maintain the Upper Peninsula Experiment Station, and such

Excess, how
used.

Proviso.

Further
proviso
as to teachers,
etc.

other experiment stations as have been established, including the printing and binding of all bulletins as at present provided by law, and shall make a fair and equitable division of the funds provided by this act in accord with the wants and needs of said courses of study and said experiment stations as they shall become apparent. Should the State Board of Agriculture fail at any time to maintain any of said departments as herein provided, the terms of this act shall be suspended until further action by the legislature.

Institutes,
etc., who to
hold.

SEC. 3. The State Board of Agriculture is hereby authorized to hold institutes and to establish and maintain courses of reading and lectures for instruction in the various branches of agriculture, mechanic arts, domestic economy, and the related sciences, which courses of reading, instruction and lectures shall be conducted, governed and controlled by act number one hundred thirty-seven of the public acts of eighteen hundred ninety-nine providing for the same: *Provided*, That not less than seven thousand five hundred dollars shall be expended annually for the purposes provided in said act; but the number of one-day institutes shall be determined by said State Board of Agriculture.

Proviso.

Appropriation,
how paid.

SEC. 4. The appropriation made by the provisions of this act shall be paid out of the general fund in the State treasury to the treasurer of the Michigan State Board of Agriculture at such times and in such amounts as the general accounting laws of the State prescribe, and the disbursing officer shall render his accounts to the Auditor General thereunder.

Plans for
buildings,
etc., to whom
submitted.

SEC. 5. Whenever the Michigan State Board of Agriculture contemplates expending any portion of the surplus accumulated under this act for any building, or any system of sewerage, ventilation or heating, plans shall be submitted to the State Board of Corrections and Charities, as required by section two thousand two hundred twenty-nine, compiled laws of eighteen hundred ninety-seven. But whenever the surplus is used for any other special purpose, the board shall certify to the Auditor General the purpose and amount set aside for the same.

Repealing
clause.

SEC. 6. All acts or parts of acts or concurrent resolutions contravening the provisions of this act are hereby repealed.

Approved June 6, 1901.

[No. 233.]

AN ACT to authorize the State Board of Health to determine the qualifications of, and issue licenses to persons engaged in preparing for transportation human bodies dead of infectious or contagious diseases.

The People of the State of Michigan enact:

SECTION 1. The State Board of Health is hereby empowered to issue licenses to persons qualified to properly embalm and disinfect bodies dead of infectious and contagious diseases, such qualifications to be determined by an examination by the State Board of Health.

May issue licenses to qualified persons.

SEC. 2. These examinations shall be held at Lansing, at least once each year, and at such other times and places as shall be designated by the State Board of Health, for the convenience of candidates for licenses under this act: *Provided*, That the meeting held to examine candidates for license, residing in the upper peninsula, shall be held in the upper peninsula.

Examinations, when and where held.

Provido as to upper peninsula.

SEC. 3. Applications for licenses shall be accompanied by a fee of five dollars, which shall entitle the applicant to an examination, and to a license if he passes a satisfactory examination. The fees collected by the Board of Health shall be used to defray the expenses incurred by said board in the enforcement of this act, and for no other purposes. Any surplus which may be created under this act shall be covered into the treasury of the State of Michigan at the end of each year for the benefit of the general fund of the State.

Fee to accompany application for license.
How used.

SEC. 4. The licenses shall be signed by the president and secretary of the State Board of Health, with the seal of the board attached.

Licenses, how signed.

SEC. 5. The State Board of Health is hereby empowered to revoke any license which may have been issued, upon sufficient evidence that the rules and regulations of the board governing the preparation of dead bodies for transportation have been violated.

May be revoked.

SEC. 6. The secretary of the Board of Health shall keep a record, in which shall be registered the names and residences of all persons to whom licenses have been granted in accordance with this act, and the number and date of each license. A copy of this record shall be furnished to all those holding licenses, and also to the various transportation companies within the State. The secretary of the Board of Health shall also keep a record of all fees received and expenses paid under this act, and make a report thereof annually to the Governor.

Record to be kept.

Approved June 6, 1901.

[No. 234.]

AN ACT to amend section thirteen of act number thirty-five of the laws of eighteen hundred sixty-seven, being "An act to provide for the formation of street railway companies," and being section six thousand four hundred forty-six of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section thirteen of act number thirty-five of the laws of eighteen hundred sixty-seven being "An act to provide for the formation of street railway companies," approved March fifth, eighteen hundred sixty-seven, and being section six thousand four hundred forty-six of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended to read as follows:

When may construct, etc., street railway.

SEC. 13. Any street railway corporation organized under the provisions of this act, may, with the consent of the corporate authorities of any city or village, given in and by an ordinance or ordinances duly enacted for that purpose, and under such rules, regulations and conditions as in and by such ordinance or ordinances shall be prescribed, construct, use, maintain and own a street railway for the transportation of passengers in and upon the lines of such streets and ways, in said city or village, as shall be designated and granted from time to time for that purpose, in the ordinance or ordinances granting such consent; but no such railway company shall construct any railway in the streets of any city or village until the company shall have accepted in writing the terms and conditions upon which they are permitted to use said streets; and any such company may extend, construct, use and maintain their road in and along the streets or highways of any township adjacent to said city or village, upon such terms and conditions as may be agreed upon by the company and the township board of the township, which agreement, and the acceptance by the company of the terms thereof, shall be recorded by the township clerk in the records of his township. Any company organized under the provisions of this act may construct, use, maintain and own a street railway for the transportation of passengers in and along the streets and highways of any township upon such terms and conditions as may be agreed upon by the company and the township board of the township, which agreement and the acceptance by the company of the terms thereof shall be recorded by the township clerk in the records of the township: *Provided*, That any such company may construct, use, maintain and own a street railway as is herein provided along any highway heretofore laid out or constructed or hereafter to be laid out or constructed by the board of county road commissioners or any highway adopted

To accept certain conditions, etc.

Acceptance, etc., to be recorded.

Proviso.

as a county road by the board of county road commissioners and under their control, upon such terms and conditions as may be agreed upon by the company and the said board of county road commissioners, which agreement, and the acceptance, by the company of the terms thereof, shall be recorded by the county clerk in the records of said board.

Approved June 6, 1901.

[No. 235.]

AN ACT to provide for the examination and licensing of barbers, and to regulate the management of barber shops.

The People of the State of Michigan enact:

SECTION 1. The Governor shall, on or before the fifteenth day of June, in the year nineteen hundred one, appoint one barber to serve for one year, one barber to serve for two years, and one barber to serve for three years, who, with their respective successors to be appointed annually thereafter and to serve for the term of three years each, shall constitute a board of examiners of barbers, and all of whom shall be practical barbers and actually engaged in the business.

Board of examiners of barbers, how appointed, etc.

SEC. 2. The members of said board shall, as soon as practicable after their appointment, meet and organize by the election of one of their number as president of said board, one as vice president, and one as secretary and treasurer; and annually thereafter, on the last Wednesday in June, said board shall elect a president, a vice president, and a secretary and treasurer, each of which officers shall serve for the term of one year, or until his successor shall have been elected and qualified. Each member of said board shall receive his actual necessary expenses incurred in the performance of his duties, to be audited by the Board of State Auditors and paid on their warrant by the treasurer of the State of Michigan.

Officers of, how and when elected.

Term of office. Compensation.

SEC. 3. The president and vice president of said board shall each receive the sum of three dollars for each day actually engaged in the service of said commission: *Provided*, That in any one year the said president and vice president shall not be allowed more than thirty days' time.

Compensation of president, etc. *Proviso.*

SEC. 4. The secretary and treasurer of said board shall, before entering on his duties, give to the people of the State of Michigan a bond, in the penal sum of five thousand dollars, to be approved by and filed with the Secretary of the State of Michigan, conditioned for the faithful receipt, dis-

Bond of secretary and treasurer.

Salary. bursement and accounting for, according to this act, of all moneys that may come into his hands as such secretary and treasurer. The secretary and treasurer of said board shall receive an annual salary of eight hundred dollars, payable out of the general fund of the State, not otherwise appropriated, on the warrant of the Auditor General.

Duties, etc. SEC. 5. The secretary and treasurer shall keep a true record showing to whom the certificates of the board have been issued. Said board shall, on the first day of October and April in each year, make and file with the Treasurer of the State of Michigan a list of all barbers registered, and the secretary and treasurer of said board shall at the same time render an account of the receipts of said board and pay over to said State Treasurer all moneys in his hands received as such secretary and treasurer.

Meetings of board, SEC. 6. Said board shall meet at least four times each year at different places within the State, one of the meetings to be held in the upper peninsula, to conduct the examination of persons desiring to follow the occupation of a barber, and shall give at least fifteen days' previous notice of the time and place of such meeting in at least two of the leading newspapers of the State. Said board shall have authority to prescribe all necessary rules and regulations for the examination of barbers herein provided for, and may examine under oath any person applying for a certificate of registration, and such board may require any applicant, in writing and under oath, to answer all questions touching his qualifications.

To make rules, etc. SEC. 7. Each applicant shall be examined concerning his ability to prepare and fit for use the ordinary tools and utensils used by barbers, including the proper antiseptic treatment of razors, shears, clippers, brushes, combs, shaving cups and towels; the nature and effect of eruptive and other diseases of the skin and scalp, and whether the same are infectious or communicable. No person so examined shall receive the certificate of said board unless he shall appear to be skilled in the use of barber tools and possessed of knowledge sufficient to prevent the spread by means of barber tools and appliances of eruptive and other diseases of the skin and scalp. No person so examined shall receive such certificate who is at the time of such examination an alien, or who is suffering from any infectious disease, or is in the habit of using intoxicating liquors.

Applicants to be examined. SEC. 8. Each person applying to said board for a certificate of registration shall pay to the secretary thereof the sum of three dollars, which shall entitle him to an examination and to a certificate, if found qualified: *Provided*, This section shall not apply to barbers now registered as such in this State; but no applicant will be given any credit for time served in any so called barber college. Said board may grant a certificate of registration, without further examination,

Registration fee.

Proviso.

to any barber holding a certificate of registration from other state boards of examiners of barbers, as it may deem proper, upon payment of a fee of one dollar.

SEC. 9. Every person who has received a certificate of registration from the Board of Examiners of Barbers in this State, except those registered since October, nineteen hundred, shall, within sixty days after the passage and approval of this act, make an application for renewal of his certificate for the current term to the secretary of said board. In case such person does not within said sixty days apply for such renewal certificate, he shall make a new application as required in section seven of this act, and pay the fee required in section eight of this act. Renewal of certificate.

SEC. 10. Every barber shall sterilize all tools and utensils used by him in the work of a barber, according to approved methods, and all directions or orders of said board concerning the proper method of sterilizing tools and utensils shall be faithfully obeyed by every barber. No proprietor or proprietors of any barber shop in this State shall employ any person as a barber or apprentice who has not a proper certificate of registration under this act. Tools, etc., to be sterilized.

SEC. 11. Every certificate of registration issued under this act shall expire on the first day of October in each year, and every person who received a certificate of registration under this act as amended, and desires to continue the business of a barber or apprentice, shall within thirty days after the first day of October in each year, after the date of his certificate, pay to the said board a registration fee of fifty cents as a barber, and twenty-five cents as an apprentice, and the said board shall issue a new certificate of registration in accordance with the provisions of this act. Every person receiving a certificate of registration under this act shall keep the same conspicuously exposed in his place of business, so as to be plainly seen by all patrons. Every barber or apprentice shall within ten days after changing his place of employment, as designated in his certificate, notify the board of his new place of business. Any barber or apprentice who shall fail to renew his certificate of registration under this section shall no longer act as a barber or barber's apprentice. It shall be unlawful for any person to follow the occupation of a barber or barber's apprentice without a certificate from said Board of Examiners: *Provided*, That all persons making application for examination under the provisions of this act shall be allowed to practice the occupation of a barber until the next meeting of said board, on a proper permit issued by the secretary of said board. When certificate expires, etc.

SEC. 12. The proprietor or proprietors of any barber shop in this State shall be responsible for the sanitation of his, her or their barber shop, and the sterilization of all barber tools and utensils, razors, shears, clippers, brushes, combs, shaving cups and towels used in said barber shop, either by Penalty for failure to renew.

Proviso.

Who responsible for sanitation, etc.

Powers of
board.

To revoke
certificate.

Apprentice
fee.

Penalty for
violation
of provisions
of act.

Expenses.

Repealing
clause.

themselves or any of their employees. Any certificate of registration obtained by any misrepresentation or false statements shall be void. The Board of Examiners of Barbers may hear complaints and evidence concerning any violation of any provisions of this act, and may examine witnesses and hear evidence touching any violation of any of the provisions of this act, and any member of said Board of Examiners may administer any oath required under this act. Said Board of Examiners may revoke any certificate of registration improperly issued, and after reasonable notice and hearing may revoke the certificate of registration of any barber or barber's apprentice who after the issuance of any certificate of registration shall become afflicted with any infectious disease or shall use intoxicating liquors to excess.

SEC. 13. The said Board of Examiners of Barbers shall grant, at a fee not exceeding twenty-five cents, the certificate of a registered apprentice to any one of good moral character, who has not been engaged in the practice of barbering for two years or more.

SEC. 14. Any person who shall follow the occupation of a barber in this State, without first obtaining a certificate of registration as provided in this act, or a proper permit as provided in section eleven of this act, or who violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and imprisonment in the county jail until such fine is paid, or by imprisonment in the county jail not less than ten days or more than ninety days, or by both such fine and imprisonment in the discretion of the court. The expenses of said board of examiners and salaries provided in this act shall not during, any year, exceed the amount collected by said board during such year.

SEC. 15. Act number two hundred twelve of the public acts of eighteen hundred ninety-nine, entitled "An act to provide for the examination and licensing of barbers," is hereby repealed.

This act is ordered to take effect June first, nineteen hundred one.

Approved June 6, 1901.

[No. 236.]

AN ACT to authorize common carriers to sell perishable freight and animals in case the person entitled to the same fails to pay or tender the lawful charges against the same.

The People of the State of Michigan enact:

SECTION 1. Whenever any common carrier shall have transported to the proper destination any animals, domestic or otherwise, or any perishable freight, and the person entitled to the same shall fail to pay or tender the lawful charges against the same, for a period of twenty-four hours after the arrival thereof at such destination, notice thereof to such consignee, by mail or otherwise, having been given, then such carrier may sell the same at public auction to the highest bidder after giving three days' notice of such sale: *Provided*, That where the freight consists of animals, domestic or otherwise, one week's notice shall be given and such carrier shall be liable only for the amount realized therefor at such sale, less the lawful charges aforesaid and the expenses of caring for such property to the time of sale. One copy of such notice shall be posted in a conspicuous place on or about the depot or station building of the carrier, where the property is located; one copy shall be posted on or about the postoffice nearest where the property is located; and one copy in some other conspicuous place. Such notice shall describe the property proposed to be sold, and shall state the time and place of the sale, and reason for such sale: *Provided*, That one notice shall be mailed to the last known postoffice address of the consignee and consignor.

Perishable freight when carriers may sell.

Proviso.

Notices of sale.

Proviso.

Approved June 6, 1901.

[No. 237.]

AN ACT to provide for the keeping of the accounts of all county and municipal officers who receive or pay out moneys belonging to the respective counties, and providing a penalty for violation thereof.

The People of the State of Michigan enact:

SECTION 1. It shall be the duty of all county and municipal officers who may receive or pay out any sum or sums of money belonging to the county in which such officers may reside, to keep an accurate and perfect account of all such moneys, by

Duty of certain officers relative to accounts.

Who to prepare system for keeping, etc.

whom paid and for what purpose, as the board of supervisors of the several counties of this State, or by the board of auditors, wherever authorized to transact such county business, may direct. The several boards of supervisors and board of county auditors are hereby authorized and directed to prepare a system for the keeping of such accounts, and report to the county treasurer, as the several boards may deem proper and necessary in each of the several counties of this State.

Who to comply with requirements.

SEC. 2. Whenever the board of supervisors or board of county auditors may prescribe a system for the keeping of such accounts, as provided for by this act, said county and municipality shall comply with requirements of such system in all particulars, as directed to do by said boards of supervisors or boards of county auditors.

Penalty for neglect.

SEC. 3. Any county or municipal officer who may be included under the provisions of this act, who shall neglect or refuse to comply with any of the provisions of this act, in the keeping of such accounts, as may be prescribed by said county boards, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in a sum not to exceed one hundred dollars and costs of prosecution, or by imprisonment in the county jail not to exceed thirty days.

Approved June 6, 1901.

[No. 238.]

AN ACT to amend article two of chapter one hundred sixty-four of the compiled laws of the State of Michigan of the year eighteen hundred ninety-seven, said chapter one hundred sixty-four being "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," by adding a new section thereto, to stand as section fifty-one.

The People of the State of Michigan enact:

Article amended.

SECTION 1. That article two of chapter one hundred sixty-four of the compiled laws of the State of Michigan of the year eighteen hundred ninety-seven, said chapter one hundred sixty-four being "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," be amended by adding a new sec-

tion thereto, to be known as section fifty-one, and read as follows:

SEC. 51. When any corporation is organized under this act for the purpose of constructing, maintaining and operating a street, suburban or interurban railroad, whose cars shall be operated by motive power other than steam engines, such railroad may be constructed upon any public street, lane, alley or highway of any village on such terms and conditions as shall be agreed upon between the railroad company and the village board of such village; and such railroad may be constructed upon any public street, lane, alley or highway of any township on such terms and conditions as shall be agreed upon between the railroad company and the commissioners of highways of such township: *Provided*, The railroad company shall have obtained the consent to the construction thereof of two-thirds of the owners of property adjoining the roadbed of such railroad in such township; and if such consent from any owner cannot be obtained by agreement, then for such consent compensation shall be made by the railroad company to such owner, which shall be ascertained as herein prescribed for obtaining property or franchises for the purpose of its incorporation.

When street railways, etc., may be constructed on public highways.

Proviso.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 239.]

AN ACT to amend section one hundred one of act number one hundred twenty-one of the public acts of eighteen hundred ninety-five, relative to the competency of witnesses and examination of parties in certain cases, being compiler's section ten thousand two hundred twelve of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section one hundred one of act number one hundred twenty-one of the public acts of eighteen hundred ninety-five, relative to the competency of witnesses and examination of parties in certain cases, being compiler's section ten thousand two hundred twelve of the compiled laws of eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 101. When a suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person, the opposite party, if examined as a witness in his own behalf, shall not be ad-

Parties not to testify in certain cases.

mitted to testify at all to matters which, if true, must have been equally within the knowledge of such deceased person; and when any suit or proceeding is prosecuted or defended by any surviving partner or partners, the opposite party, if examined as a witness, in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of the deceased partner, and not within the knowledge of any one of the surviving partners. No person who shall have acted as an agent in the making or continuing of a contract with any person who may have died, shall be a competent witness in any suit involving such contract, as to matters occurring prior to the death of such decedent, on behalf of the principal to such contract against the legal representatives or heirs of such decedent, unless he shall be called by such heirs or legal representatives. And when any suit or proceeding is prosecuted or defended by any corporation, the opposite party, if examined as a witness in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of a deceased officer or agent of the corporation, and not within the knowledge of any surviving officer or agent of the corporation, nor when any suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person against a corporation (or its assigns) shall any person who is or has been an officer or agent of any such corporation be allowed to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person: *Provided*, That whenever the words "the opposite party" occur in this section it shall be deemed to include the assignors or assignees of the claim or any part thereof in controversy: *And provided further*, That whenever the deposition, affidavit or testimony of such deceased party taken in his lifetime shall be read in evidence in such suit or proceeding that the affidavit or testimony of the surviving party shall be admitted in his own behalf on all matters mentioned or covered in such deposition, affidavit or testimony.

Proviso.

Further
proviso.

This act is ordered to take immediate effect.

Approved June 6, 1901.

[No. 240.]

AN ACT to provide for taking the census of this State for the year nineteen hundred four, and once every ten years thereafter.

The People of the State of Michigan enact:

SECTION 1. A census of the population, of deaths, and of the manufacturing, mining, mechanical and agricultural products of this State shall be taken in the year nineteen hundred four, and once every ten years thereafter. When census taken.

SEC. 2. It shall be the duty of the Secretary of State to superintend and direct the taking of the census herein provided for, in accordance with the provisions of this act, and he is hereby authorized to establish in his office a division of census, and to appoint a chief of said division who shall receive a salary at the rate of fifteen hundred dollars per year. The Secretary of State may also appoint as many temporary clerks for said division as may be necessary to carry out the provisions of this act: *Provided*, That said division of census shall not be established nor appointments made under this act before the first day of January, nineteen hundred four, and that said division shall be abolished when the census herein provided for is completed. Duty of secretary of state relative to. Proviso.

SEC. 3. The information required by this act shall be collected by enumerators, as herein provided. How information collected.

SEC. 4. The census schedule relating to population shall comprehend for each inhabitant the name, age at last birthday, sex, color, conjugal condition, place of birth, and place of birth of parents, whether alien or naturalized, number of years resident of this State and of the United States, occupation, literacy, school attendance, ownership of farms and homes, physical condition, whether insane, epileptic, idiotic, deaf and dumb, or blind. The aforesaid schedule shall also designate the heads, husband and wife, of each family, and shall contain inquiries as to the relation of each person enumerated to the heads, husband and wife, of the family, whether son, daughter, servant, boarder, or other; also inquiries as to the whole number of births by sex, and the whole number of deaths occurring during the census year. The schedule relating to mortality shall comprehend for each decedent the name, age at last birthday, sex, color, conjugal condition, place of birth, and birth-place of parents, occupation, and, if born within the census year, the date of birth, physical condition, whether insane, epileptic, idiotic, deaf and dumb, or blind, cause and date of death, the place where such death occurred, and time of residence within this State of each and every inhabitant whose death occurred within the census year. The schedule relating to agriculture shall comprehend the following topics: Name of occupant of each farm, color of occupant, Census schedule, population. Mortality. Agriculture.

Mining.	tenure, acreage, value of farm and improvements, acreage, yield and value of the various farm products, acreage of growing crops, wages paid farm help, and number and value of live stock. The schedule relating to mining, and to manufacturing and mechanical establishments, shall embrace the name and location of each corporation, company, or individual owning or operating each mine, or establishment or productive industry; date of commencement of operations; character of business, product, or kind of goods manufactured; amount of capital invested, both real and personal; character and quantity of power used; character and number of machines used; number and sex of employes, and the amount of their wages; kind, quantity and costs of materials used in manufactures; quantity and value of products and time in operation during the census year. The Secretary of State may, in his discretion, add to the census schedules inquiries of special importance, not named in this section.
Enumeration, districts, etc.	<p>SEC. 5. For the purpose of the enumeration herein provided for, the Secretary of State shall divide the State into such enumeration districts as he may deem most convenient for carrying out the provisions of this act, and shall appoint one or more enumerators for each district. Said enumerators, so appointed, shall, within ten days after such appointment, take and subscribe the constitutional oath of office, and file the same with the Secretary of State. The enumerators shall take the census and statistics required by this act, as of date June first, nineteen hundred four. They shall commence the enumeration on the first day of June, nineteen hundred four, and each enumerator shall prosecute the canvass of his district from that date forward on each week day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient cause for his removal and the appointment of another person in his place. It shall be the duty of each enumerator to complete the enumeration of his district on or before the first day of July, nineteen hundred four.</p> <p>SEC. 6. Each enumerator shall be charged with the collection, in his district, of facts and statistics required by the population schedule, and such other schedules as the Secretary of State may determine shall be used by him in connection with the census, as provided in section four of this act. It shall be the duty of each enumerator to visit personally each dwelling house in his district, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this act. In case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in com-</p>
To take oath.	
Census and statistics.	
When to commence.	
Cause for removal.	
When to complete.	
What enumerator to collect.	
Duty.	

pliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from any reliable source; and it shall be the duty of each enumerator to forward, within ten days after completing the enumeration in his district, the original schedules, duly certified, to the Secretary of State, as his returns under the provisions of this act; and in the event of discrepancies or deficiencies being discovered in his said returns, he shall use all diligence in correcting or supplying the same. In case the district assigned to any enumerator embraces all or any part of any incorporated city or village, and also other territory not included within the limits of such incorporated city or village, or either, it shall be the duty of the enumerator of such district to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of all or any part of such city or village, as may be embraced in the district assigned to such enumerator, from the inhabitants of the territory not included therein. Whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken, and is by reason thereof incomplete and erroneous, the Secretary of State may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew under such methods as may, in his discretion, be practicable.

To forward
schedules to
secretary
of state.

Duty in case of
discrepancies,
etc.

When census
may be made
anew, etc.

SEC. 7. Each census enumerator shall receive, as full compensation for services performed under this act, three dollars per day of ten hours; and the amount due each enumerator shall be calculated at the rate aforesaid by the Secretary of State, which amount shall be paid by the treasurer of the county in which the enumeration district is located, upon a warrant from the Secretary of State. No such warrant shall issue, however, until each enumerator shall have forwarded to the Secretary of State a sworn statement, showing the actual time he was engaged in canvassing his district, and the amount he claims is due him for such services: *Provided*, That in cities having a population of twenty-five thousand or over, the Secretary of State may appoint a chief census enumerator at a salary of five dollars per day for the time he is actually engaged in supervising the taking of census of his city.

Compensa-
tion of
enumerators.
Who to issue
warrant.

When issued.

Proviso.

SEC. 8. Any enumerator who, having taken and subscribed the oath required by this act, shall without justifiable cause, neglect or refuse to perform any of the duties enjoined on him by this act, or who shall, without the authority of the Secretary of State, communicate to any person not authorized to receive the same, any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days, or both such fine and

Penalty for
neglect, etc.

False certificates.

imprisonment in the discretion of the court; or, if he shall wilfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one hundred dollars and be imprisoned not exceeding thirty days; or if he shall wilfully and knowingly affirm or swear falsely, he shall be deemed guilty of perjury, and upon conviction shall be imprisoned not exceeding two years.

Perjury.

Special agents.

SEC. 9. The Secretary of State is hereby given discretionary power to appoint special agents for the purpose of collecting the statistics relating to mining, manufacturing and mechanical establishments. Said special agents shall each receive compensation at the rate of five dollars per day for the time actually engaged in collecting such statistics, and shall also be entitled to receive the actual expenses incurred in the performance of their duties. Said special agents shall each submit to the Secretary of State a sworn statement as to the number of days for which he is entitled to the compensation above named, together with the amount of expenses incurred, which, when approved by the Secretary of State, shall be paid by the State Treasurer on the warrant of the Auditor General.

Compensation.

Who to give account in absence of heads of families.

SEC. 10. Each and every person more than twenty years of age belonging to any family residing in any census district, and in case of the absence of the heads and other members of any such family, then any representative of such family shall be, and each of them hereby is, required, if thereto requested by the Secretary of State or enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family in the various particulars required, and whoever shall wilfully fail or refuse to render such true account shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or be imprisoned not more than thirty days. Every president, secretary, treasurer, director, agent, or other officer of every corporation, and every establishment of productive industry, whether conducted as a corporate body, limited liability company, or by private individuals, from which answers to any of the schedules, inquiries, or statistical interrogatives provided for by this act are herein required, who shall, if thereto requested by the Secretary of State or enumerator, wilfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, or shall wilfully give false information, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days.

Penalty for neglect by corporation representatives.

Fines.

SEC. 11. All fines collected under the provisions of this act shall be turned over, for the use of the county, to the treasurer of the county in which the offense was committed.

SEC. 12. The Secretary of State shall prepare the blank Blanks.
schedules required by this act, and shall transmit them to the
several enumerators at least thirty days before the enumer-
ation is commenced. The Secretary of State shall also pre- Instructions,
etc.
pare a pamphlet of instructions, including a copy of this act,
for taking the census, and transmit one copy to each enum-
erator. The Secretary of State shall condense, tabulate and
arrange in proper form for publication, the census and sta-
tistics of this State, taken in pursuance of this act, and when
so condensed, tabulated and arranged, he shall cause the
same to be printed and bound. There shall be published of
said census reports a sufficient number of sets to supply one
set to each of the census enumerators, one set to each of the
officers, boards of officers and others entitled to the public
acts of this State; also one thousand sets to be deposited in
the office of the Secretary of State to supply future demands.

SEC. 13. All acts and parts of acts contravening the pro- Repealing
clause.
visions of this act are hereby repealed.

Approved June 7, 1901.

[No. 241.]

AN ACT to repeal act number twenty-nine of the public acts
of eighteen hundred eighty-seven, entitled "An act to pro-
vide for the payment of bounties for the killing of English
sparrows," approved March fifteen, eighteen hundred
eighty-seven, the same being continuous sections fifty-five
hundred eighty-six, fifty-five hundred eighty-seven, fifty-
five hundred eighty-eight and fifty-five hundred eighty-nine
of the compiled laws of eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That act number twenty-nine of the public Act repealed.
acts of eighteen hundred eighty-seven, entitled "An act to
provide for the payment of bounties for the killing of Eng-
lish sparrows," approved March fifteen, eighteen hundred
eighty-seven, the same being continuous sections fifty-five
hundred eighty-six, fifty-five hundred eighty-seven, fifty-five
hundred eighty-eight and fifty-five hundred eighty-nine of the
compiled laws of eighteen hundred ninety-seven, be and the
same is hereby repealed.

Approved June 8, 1901.

[No. 242.]

AN ACT to amend section one of chapter one of act number two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eight, eighteen hundred eighty-one.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section one of chapter one of act number two hundred forty-three of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eight, eighteen hundred eighty-one, be and the same is hereby amended so as to read as follows:

Public highways, how laid out, etc.
Proviso.

SECTION 1. Public highways shall not be less than four rods in width, and may be laid out, altered or discontinued under the provisions of this chapter: *Provided*, That in Orion township in Oakland county where the highway commissioner of the township shall deem it necessary to lay out a highway where it is in his judgment impracticable to make the same of the full width of four rods, he may upon the approval of the township board proceed to lay out such highway not less than three rods in width.

By commissioner.

First. By the commissioner of highways of any township, within his township, upon the written application of seven or more freeholders of such township;

Joint action.

Second. By the joint action of the commissioners of highways of adjoining townships, on the line between such townships, on the written application of seven or more freeholders of each township, addressed to the commissioner of each township;

Concurrent action.

Third. By the concurrent action of the commissioner of highways of any township and the municipal authority of any adjoining city or village having, by law, jurisdiction in laying out streets or highways, on the line between such township and such city or village.

This act is ordered to take immediate effect.

Approved June 8, 1901.

JOINT RESOLUTIONS, 1901.

[No. 1.]

JOINT RESOLUTION to amend section six of article six of the constitution of the State of Michigan, relative to circuit courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that section six of article six of said constitution be amended so as to read as follows:

SECTION 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of St. Clair is or may be situated. And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county. And the board of supervisors of each county in the upper peninsula, and in the county of Bay in the lower peninsula is hereby authorized and empowered to give and to pay to the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors.

This section as amended shall take effect from the time of its adoption.

And be it further resolved, That said constitutional amendment shall be submitted to the people of the State at the election to be held on the first Monday in April in the year one thousand nine hundred and one, and that the Secretary of State is hereby required to certify the same to the clerks of the several counties, and give notice of the same to the sheriffs of the several counties of this State, and the said sheriffs of the several counties of this State shall be required to give notice of the same to the several townships and wards in said State, in the manner required by law, and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast

for or against said amendment, and the said amendment shall be printed upon the official ballot used at said election, as provided by law, as follows:

“Amendment to the constitution relative to circuit courts—affecting the county of Bay. Yes.”

“Amendment to the constitution relative to circuits courts—affecting the county of Bay. No.”

Such ballots, so prepared, shall be sent out by said board of election commissioners at the same time and in the same manner as the ballots to be used at said general election. And it shall be the duty of the board of election inspectors, at each voting precinct in this State, to see to it that each elector is furnished with a ballot relative to such proposed amendment, at the same time that he is furnished with a general ballot, and to inform such elector of the nature and purpose of it, and each elector shall be required, on coming out of the booth and tendering his vote to the inspectors of election, to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

This joint resolution is ordered to take immediate effect.

Approved February 20, 1901.

[No. 2.]

JOINT RESOLUTION to direct the Board of State Auditors to investigate, examine and settle the claim of John E. Tyrrell of Jackson, Jackson county, Michigan, against the State of Michigan, on account of services rendered and performed by him, as a recruiting officer, commissioned under act number two of the special session of eighteen hundred ninety-eight, and to provide for the payment to him of a sufficient amount to compensate him therefor.

WHEREAS, John E. Tyrrell of Jackson, Jackson county, Michigan, was legally appointed and commissioned as a recruiting officer in the military service of the State of Michigan, on the sixth day of May, eighteen hundred ninety-eight, by Governor H. S. Pingree, under act number two of the public acts of the special session of eighteen hundred ninety-eight, and

WHEREAS, The said John E. Tyrrell claims that he faithfully performed the duties of recruiting officer as aforesaid, and further claims that for said service he has been compensated only in part. Therefore be it

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and is hereby directed to investigate and examine said claim, and determine the same, and the amount of services performed, and adjust said claim and allow to said John E. Tyrrell such sum or sums of money on account thereof, as may be necessary to compensate him for the performance of said services.

And the Auditor General is hereby authorized and directed to issue his warrant on the State treasury in favor of said John E. Tyrrell for the amount so audited and allowed by the said Board of State Auditors, and the same shall be payable out of any money in the State treasury not otherwise appropriated: *Provided*, That such compensation shall not exceed the sum of three hundred dollars, which, if allowed by the Board of State Auditors and paid, or any portion of said amount, it shall be in full for all services performed as herein claimed.

This joint resolution is ordered to take immediate effect.

Approved February 23, 1901.

[No. 3.]

JOINT RESOLUTION proposing an amendment to the constitution relative to the compensation of the members of the legislature.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State of Michigan be, and the same is hereby, proposed and submitted to the people of the State, that is to say that section fifteen of article four of said constitution be amended so as to read as follows:

SEC. 15. After January first, nineteen hundred and three, the compensation of members of the legislature shall be one thousand dollars for each term to which they are elected. They shall be entitled to ten cents and no more for every mile actually traveled, on the usually traveled routes, in going to and returning from each regular and extra session. When convened in extra session, no other subjects than those expressly stated in the governor's proclamation, or submitted to them by special message, shall be considered. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he is a member and such copies of the "Michigan Manual" as shall be provided by law, but shall not receive at the expense of the State, books, newspapers or other perquisites of office not expressly authorized by this constitution.

And be it further resolved, That the said proposed amendment be submitted to the electors of this State at the general election to be held the first Monday in April in the year nineteen hundred and one; that the Secretary of State is hereby required to certify this proposed amendment to the clerks of the several counties of the State, as required by section three thousand six hundred twenty-four of the compiled laws of eighteen hundred ninety-seven, but it shall be sufficient if the same shall be so certified at least ten days before such election. The several county clerks shall at once, upon the receipt of such certified amendment, convene the board of election commissioners of such county, and the said board shall forthwith prepare a ballot for the use of the electors desiring to vote upon said amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold faced type the words, "Vote on the amendment to the constitution relative to pay-

ing the members of the legislature a salary of one thousand dollars for their term of office." Then shall follow:

Amendment to the constitution relative to paying the members of the legislature a salary of one thousand dollars for their term of office.

"Yes."

Amendment to the constitution relative to paying the members of the legislature a salary of one thousand dollars for their term of office.

"No."

Such ballots so prepared shall be sent out by said board of election commissioners at the same time and in the same manner as the ballot to be used at said general election. And it shall be the duty of the board of election inspectors at each voting precinct in this State to see to it that each elector is furnished with a ballot relative to such proposed amendment at the same time that he is furnished with the general ballot, and to inform such elector of the nature and purpose of it, and each elector shall be required, on coming out of the booth and tendering his vote to the inspectors of election, to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

This joint resolution is ordered to take immediate effect.

[No. 4.]

JOINT RESOLUTION to provide for the auditing of the accounts of Manitou county, and the payment of the indebtedness thereof.

WHEREAS, By act number three hundred and sixty-two of the local acts of eighteen hundred and ninety-five, the county of Manitou was disorganized and the territory thereof attached, a part to Charlevoix county and part to Leelanau county; and

WHEREAS, By sections six and nine of said act, a method was provided for the auditing of the accounts of said county and for the payment of the indebtedness thereof when ascertained; and

WHEREAS, It appears that said accounts have not been audited nor any legal method provided for the payment of the indebtedness of said county of Manitou, and that there is a large amount of said indebtedness outstanding: therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan:

First, The county clerk and county treasurer of Manitou county at the date of its disorganization, April eighteenth, eighteen hundred and ninety-five, together with the county clerks and county treasurers of Charlevoix and Leelanau counties acting as such, on the fourth day of June, A. D. nineteen hundred and one, are hereby appointed and constituted a board of auditors to audit the accounts of said county of Manitou and to ascertain and make a list of all unpaid orders and other

written evidence of indebtedness against said county of Manitou. Said board of auditors shall meet at the office of the county clerk of Charlevoix county on the fourth day of June, A. D. nineteen hundred and one, at nine o'clock a. m. of said day, and organize by choosing one of their number as chairman and another as clerk of said board, and continue in session, holding daily meetings until their work as above outlined is completed, not exceeding twenty days altogether; and shall before adjourning make and file with the county clerk of Charlevoix county a complete report of their doings, with a list of the unpaid orders and other written evidences of indebtedness, so found by them to have been issued or incurred by authority of the proper officers of said county of Manitou, prior to its disorganization as aforesaid, which said report shall be signed by at least a majority of said board acting; but no such order or other claim of indebtedness against said county shall be considered or passed upon or audited by said board which shall not have been filed with or presented to them for their consideration on or before June sixth, A. D. nineteen hundred and one, at twelve o'clock noon of said day. The said members of the said board of auditors shall receive compensation at the rate of two dollars and fifty cents per day for their services, and mileage at the rate of five cents per mile each way to and from Charlevoix to their respective homes, to be paid one-half of said amount by the county of Charlevoix and one-half by the county of Leelanau, but no mileage shall be reckoned from points outside of the present limits of said counties of Charlevoix and Leelanau. A majority of persons above named composing said board of auditors shall be a quorum for the transaction of the business above delegated to them.

Second, Any person or persons holding or owning any such claim, which shall be disallowed by said board of auditors, shall have the right to have the validity thereof tested by mandamus proceedings, instituted in the circuit court for the county of Charlevoix against said board of auditors to compel them to allow such claim, and service of process in such case shall be made upon the chairman of said board. Any township board of any of the townships formed out of the territory comprised in the county of Manitou at the date of its disorganization, which shall feel aggrieved at the allowance of any claim by said board of auditors, shall have the like right to have the validity thereof tested by like mandamus proceedings, instituted by any such township board against said board of auditors to compel them to reject and disallow such claim. All such proceedings shall be begun within twenty days from the date of the filing of the report of said board of auditors in the office of the clerk of Charlevoix county as aforesaid, and not afterwards. All such mandamus proceedings shall be heard and determined at the August term of said court held in the year nineteen hundred and one. Whenever any such proceedings shall be begun the chairman of said board of auditors shall cause notice thereof to be served on each of the supervisors of the townships aforesaid, and upon the person or persons whose claim is in issue in the proceedings, requiring them and each of them to appear and prosecute or defend such action as the case may be. And in every such proceeding the said board of auditors shall be considered and treated as the nominal party only thereto, and shall be under no obligation to defend, but such defense shall in all cases devolve upon the party or

parties whose rights are to be thereby affected and adjudicated. No such claim shall be disallowed, if otherwise valid, solely for the reason that it is barred by the statute of limitations; the statute of limitations shall not apply to such claims.

Third, Said board of auditors shall meet a second time on the eighth day of October, A. D. nineteen hundred and one, at ten o'clock in the forenoon of said day, at the office of the county clerk of Charlevoix county, for the purpose of apportioning the indebtedness of said county of Manitou to the territory thereof attached to Charlevoix county and Leelanau county respectively, and shall complete the work hereby allotted to them on or before October twelfth, nineteen hundred and one. The indebtedness as ascertained by said board at its June meeting, except as the same may be modified by the judgments of the court of Charlevoix county as aforesaid, shall be apportioned by said board of auditors to and remain a valid and binding indebtedness against the territory formerly comprising the county of Manitou at the date of its disorganization, and shall be by said board of auditors apportioned to the respective parts thereof, attached by the act disorganizing said county of Manitou to Charlevoix and Leelanau counties, in the same proportion as the relative value of said several parts bear to each other, as fixed and determined by the board of supervisors of Manitou county at its October session in the year eighteen hundred and ninety-four: *Provided*, That if any of said claims as aforesaid, shall still be in litigation and not determined at the time of the October meeting of said board of auditors, said board shall not take such items into consideration in their apportionment, but the court in its judgment sustaining any such claim, shall provide for the apportionment and collection thereof on the basis above given.

Fourth, Said board of auditors shall also ascertain the amount of money collected by the treasurers of Charlevoix and Leelanau counties respectively, from the said county of Manitou since its disorganization, both from the cash on hand, if any, in the treasury of Manitou county, and from the sale of any property of said county, and the collection of the delinquent county taxes on the lands comprised in said county of Manitou, assessed against said lands prior to the year eighteen hundred and ninety-five, and shall make the like apportionment of the total amounts thereof, as is provided hereby for the apportionment of the indebtedness of said county of Manitou. All said moneys heretofore or hereafter collected by Charlevoix county and Leelanau county respectively, shall be by each of them held and used to pay the proportion of said Manitou county's indebtedness, apportioned as aforesaid to the territory of said county of Manitou now forming a part of such county, and said counties shall each continue to place to the credit of said fund all such delinquent taxes collected by it, until the indebtedness so apportioned as aforesaid, shall have been fully paid; payment by each of said counties of Charlevoix and Leelanau shall be made pro rata on the claims allowed as aforesaid, on the first day of May and November in each and every year until the same are fully paid, commencing November first, nineteen hundred and one.

Fifth, In case the townships in either Charlevoix or Leelanau county, formed out of the territory of Manitou county, as aforesaid, so desire

they may borrow money to take up and pay the indebtedness assigned to such territory and issue the bonds of such townships therefor, at any time after the passage of this act, such bonds not to exceed the sum of three thousand dollars for said townships in Charlevoix county and two thousand dollars for the townships in Leelanau county, and the proceedings on the issuing of said bonds shall be conformed to and be governed, as near as may be, by the provisions of act number one hundred and forty-four of the public acts of eighteen hundred and ninety-seven, approved May nineteen, eighteen hundred and ninety-seven, providing for the bonding of townships for the payment of judgments.

Sixth, If the amount received from the collection of delinquent taxes, or the proceeds from the sale of bonds, as aforesaid, prior to the October meeting of the board of supervisors in the year nineteen hundred and two, shall not be sufficient to pay all of the indebtedness provided, as aforesaid, the board of supervisors in either Charlevoix county or Leelanau county, where such deficiency shall exist, shall order a special tax of not to exceed one-half of one per cent. on the assessed valuation of said townships, formed out of the territory of Manitou county, as aforesaid, to be spread on the tax rolls of such township or townships for the purpose of paying said indebtedness; and such tax shall be levied each year by said board until the deficiency aforesaid is met. Said tax, when collected, shall be paid into the treasury of the respective counties aforesaid, to be credited to the proper fund for paying such indebtedness and used for that purpose only; and the money so collected by such special tax shall be repaid to such townships by such county from the moneys obtained by the collection of the delinquent taxes aforesaid, from time to time, until all said sums so realized from such special taxes shall have been refunded to such township or townships. But no part of the moneys received from such county from such delinquent taxes shall be paid to any such township, until the whole amount of the indebtedness apportioned to it shall have been paid.

Seventh, Hereafter no Manitou county orders shall be received by any public officer in payment of any tax or other debt due any county, township or school district in either of said counties of Charlevoix or Leelanau.

Eighth, All said indebtedness not paid on or before November first, nineteen hundred and one, shall draw interest at the rate of five per cent. per annum, but the board of auditors in allowing claims may allow such interest on them as they shall deem just: *Provided*, That the rate of interest shall be uniform on all claims allowed, and shall not exceed six per cent. per annum.

This joint resolution is ordered to take immediate effect.

Approved March 15, 1901.

[No. 5.]

A JOINT RESOLUTION authorizing the Auditor General of the State of Michigan to deed to the city of Grand Rapids a piece of land known as Observatory lot of Power's second addition to the city of Grand Rapids, and described as a plat of ground bounded on the east by Livingston street, on the north by Observatory street, on the west by North Division street, on the south by Mason street, and designated as Observatory lot, except that part assessed to the city lying east of the east line of Clinton street produced.

WHEREAS, A plat of ground bounded on the east by Livingston street, on the north by Observatory street, on the west by North Division street, on the south by Mason street, and designated as Observatory lot of Power's second addition to the city of Grand Rapids, except that part assessed to the city lying east of the east line of Clinton street produced, has been sold to the State of Michigan for the State, county and other taxes for the years eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four, eighteen hundred ninety-five, eighteen hundred ninety-six, eighteen hundred ninety-seven, eighteen hundred ninety-eight, eighteen hundred ninety-nine; and

WHEREAS, Said property has been evidently abandoned by the heirs of E. K. Powers, in whose name the title of said lot is vested during all the years above named, and for other years prior; and

WHEREAS, The city of Grand Rapids holds certain rights in said lot by virtue of tax deeds acquired by the non-payment of special improvement taxes levied by said city against said piece of land above described; and

WHEREAS, Said land is the northwestern protection of the city reservoir of said city of Grand Rapids, and said city has possession of the above described land by virtue of tax deeds afore mentioned; be it

Resolved by the Senate and House of Representatives, That the Auditor General of the State of Michigan be and is hereby authorized, empowered and directed to deed under the provisions of section eighty-four of the general tax law, said land to the city of Grand Rapids, upon the payment by said city to the Auditor General of the State the original taxes assessed upon said land for the years eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four, eighteen hundred ninety-five, eighteen hundred ninety-six, eighteen hundred ninety-seven and the State taxes on said lands for the years eighteen hundred ninety-eight, eighteen hundred ninety-nine and nineteen hundred, together with such sums as may have been expended by the State in advertising such lands for sale.

This joint resolution is ordered to take immediate effect.

Approved April 11, 1901.

[No. 6.]

A JOINT RESOLUTION authorizing the Commissioner of the State Land Office to deed to the North Branch & Sunken Lake improvement company, of Alpena, Michigan, the north half of the southeast quarter of section thirty-two, of town thirty-three north of range six east.

WHEREAS, The north half of the southeast quarter of section thirty-two, of town thirty-three north of range six east, was deeded to the State as abandoned State tax lands, under the provisions of section one hundred twenty-seven of act two hundred six of the public acts of eighteen hundred and ninety-three, and is now held by the State Land Office as tax homestead land; now, therefore,

Resolved, by the Senate and House of Representatives, That the Commissioner of the State Land Office be and is hereby empowered, authorized and directed to deed said lands to the North Branch & Sunken Lake improvement company, upon the payment by it to the Land Commissioner for the benefit of the State, the sum of one hundred dollars.

This joint resolution is ordered to take immediate effect.

Approved April 12, 1901.

[No. 7.]

A JOINT RESOLUTION of the Senate and House of Representatives of the State of Michigan, making application to the Congress of the United States, under article five of the constitution, for the submission of an amendment to said constitution, making United States Senators elective in the several states, by popular vote.

Resolved by the Senate and House of Representatives of the State of Michigan, That application is hereby made to the Congress under the provision of article five of the constitution of the United States, for the calling of a convention to propose an amendment to the constitution of the United States, making United States Senators elective in the several states by direct vote of the people; and

Resolved further, That the Secretary of State is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several states, requesting their co-operation.

[No. S.]

A JOINT RESOLUTION for the relief of Edward C. Cummings.

WHEREAS, On the eighth day of October, A. D. eighteen hundred ninety-seven, part paid certificates numbers twenty-five thousand one hundred ninety-one, twenty-five thousand one hundred ninety-three and twenty-five thousand one hundred ninety-four were issued to Edward C. Cummings of Carson City, Michigan, for the east half of the south-east quarter of section thirty-four, and the west half of the southwest quarter of section thirty-five, all in town thirty-five north, range one east, on payment of three hundred and twenty dollars, which payment was one-fourth of the total sum of twelve hundred and eighty dollars for which said land was subject to sale as Agricultural College land; and

WHEREAS, The sum of nine hundred and sixty dollars and interest from March first, nineteen hundred, remains unpaid on said land and is payable at the option of said Edward C. Cummings in accordance with the provisions of law under which said certificate was issued; and

WHEREAS, During the year nineteen hundred certain parties trespassed upon said land and removed therefrom valuable timber and depleted the value of said land to the amount of three hundred dollars and upward, which trespass was committed without the knowledge, consent of or connivance with said Edward C. Cummings or of any agent or grantee, having any rights or authority conferred on him or assumed to be so conferred by said Edward C. Cummings, or by any permit, grant or contract executed by said Edward C. Cummings or on his behalf; and

WHEREAS, A trespass agent acting under authority of the Commissioner of the State Land Office settled with the trespassers for said trespass and received and accepted in full settlement for said trespass the sum of one hundred and fifty-two dollars and seventy-five cents, which sum was received into the State treasury and was credited to the Agricultural College fund; and

WHEREAS, The value of said land to said Edward C. Cummings was depleted by said trespass to an amount largely in excess of said one hundred and fifty-two dollars and seventy-five cents; and

WHEREAS, By reason of said settlement said Edward C. Cummings is left without remedy for said trespass and for the loss sustained by him in the lessened value of said land except as he may be given relief by legislative enactment; and

WHEREAS, By said settlement the State has received said one hundred and fifty-two dollars and seventy-five cents in addition to the sum of three hundred and twenty dollars heretofore paid by said Edward C. Cummings;

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General of the State of Michigan be instructed and required to refund to the Commissioner of the State Land Office for the State of Michigan from the interest fund of the Agricultural College the sum of one hundred fifty-two and seventy-five one-hundredths dollars, which sum shall be paid to the Treasurer of the State of Michigan by the Commissioner of the said Land Office for the

benefit of the trust fund of the Agricultural College, arising from moneys derived from the sale of Agricultural College lands; and the State Treasurer of the State of Michigan shall issue to Edward C. Cummings the proper official receipt for the said sum of money, and the Commissioner of the Land Office shall enter upon his books to the credit of the said Edward C. Cummings the said sum of one hundred fifty-two and seventy-five one-hundredths dollars, on account of the principal due and owing to the State of Michigan on the part paid certificates issued to the said Edward C. Cummings for the tracts of land on which the afore-described trespass was committed; and that on the further payment of eight hundred seven dollars and twenty-five cents, and such interest as shall have accrued on the nine hundred sixty dollars now remaining unpaid on said land and shall remain unpaid at the date of the final payment of so much of the sum of eight hundred seven dollars and twenty-five cents as shall be unpaid at the date of the final payment as aforesaid, the Commissioner of the State Land Office shall and he is hereby authorized and directed to issue to said Edward C. Cummings his receipt in full of all sums due on said land, and on presentation of said receipt the Secretary of State is hereby authorized and directed to cause to be executed and delivered to said Edward C. Cummings a patent for said land in the same form and with like effect as he would have been entitled to upon the payment of the full sum of nine hundred sixty dollars now remaining unpaid and the interest thereon.

This joint resolution is ordered to take immediate effect.

Approved May 16, 1901.

[No. 9.]

A JOINT RESOLUTION proposing an amendment to the constitution relative to the publishing of all the general laws of any session in a newspaper, and the compensation to be received therefor.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State of Michigan be, and the same is hereby proposed and submitted to the people of the State, that is to say, that section thirty-five of article four of said constitution be amended so as to read as follows: "Section thirty-five. The legislature shall not establish a State paper." *And be it further resolved,* That the said proposed amendment be submitted to the electors of this State at the general election to be held in the year nineteen hundred and two; that the Secretary of State is hereby required to certify this proposed amendment to the clerks of the several counties of the State, as required by section three thousand six hundred twenty-four, of the compiled laws of eighteen hundred ninety-seven. But it shall be sufficient if the same shall be so certified at least ten days before such election. The several county clerks shall at once, upon receipt of such certified amendment, convene the board of election commissioners of such county, and the said board shall forthwith prepare a

ballot for the use of the electors desiring to vote upon said amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold-faced type the words "Vote on the amendment to the constitution relative to the publishing all the general laws of any session in any newspaper, Yes."

Then shall follow:

Amendment to the constitution relative to abolishing the publication of all the general laws of any session in any newspaper, Yes:

Amendment to the constitution relative to abolishing the publication of all the general laws in any newspaper, No.

Such ballots so prepared shall be sent out by said board of election commissioner at the same time and in the same manner as the ballot to be used at said general election. And it shall be the duty of the board of election inspectors, at each voting precinct in this State to see to it that each elector is furnished with a ballot relative to such proposed amendment at the same time he is furnished with the general ballot, and to inform such elector of the nature and purpose of it. And such elector shall be required on coming out of the booth, and tendering his vote to the inspectors of election, to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

[No. 10.]

A JOINT RESOLUTION directing the Board of State Auditors to investigate and examine the claims of the county of Ingham for expenses incurred by said county in the indictment and prosecution of certain State officers and employes for malfeasance or misfeasance in office, and for bribing or attempting to bribe certain officers, and for aiding and abetting in the commission of such offenses, including reasonable counsel fees of special counsel lawfully appointed to assist in such prosecution.

WHEREAS, A grand jury was called by the circuit judge in and for the county of Ingham at the September term of the circuit court for said county, eighteen hundred ninety-nine, to inquire into certain offenses against the laws of this State; and

WHEREAS, In his charge to said grand jury, so called, the said circuit judge directed said grand jury to inquire into certain alleged offenses committed by certain officers and employes of this State; and

WHEREAS, Said grand jury returned sundry indictments against certain officers and employes of this State for malfeasance and misfeasance in office and for bribing or attempting to bribe certain officers and employes of this State, and for aiding and abetting in the commission of such offenses; and

WHEREAS, It is believed that the expenses of such indictments and of the trials of persons so indicted are a proper charge against the State of Michigan and ought to be paid from the State treasury; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and is hereby authorized and required to investigate the claims of said county of Ingham for the expenses incurred in the calling of the said grand jury and in the prosecution of said officers and employes of this State for malfeasance and misfeasance in office, and for bribing or attempting to bribe State officers and employes, and for aiding and abetting in the commission of such offenses, and to audit and allow all just and legal claims for such prosecutions, including the expenses of said grand jury as aforesaid, and the Board of State Auditors is hereby authorized and directed to draw its warrant on the State treasury for the payment of such amount or amounts which it shall find to be justly and reasonably due therefor; but the total amount so allowed shall not exceed the sum of ten thousand dollars.

Approved May 27, 1901.

[No. 11.]

A JOINT RESOLUTION proposing an amendment to article four of the constitution of this State by adding a new section thereto to stand as section forty-seven, empowering the legislature to enact a law imposing indeterminate sentences, so called, as a punishment for crime, and provide for the parole and return to prison of persons imprisoned on such sentences.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to article four of the constitution of this State by adding a section thereto to stand as section forty-seven of said article be, and the same is hereby proposed to read as follows:

SEC. 47. The legislature may, by law, provide for the indeterminate sentences, so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences. Be it further

Resolved, That said constitutional amendment shall be submitted to the people of this State at the general election to be held in November, nineteen hundred two, and the Secretary of State is hereby required to certify the same to the clerks of the several counties, and give notice of the same to the sheriffs of the several counties of this State, and the said sheriffs of the several counties of this State shall be required to give notice of the same to the several townships and wards in said State, in the manner required by law. The said amendments shall be printed upon the official ballot used at said election, as provided by law, as follows:

"Amendment to the constitution relative to indeterminate sentences—
Yes."

“Amendment to the constitution relative to indeterminate sentences—No.”

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

[No. 12.]

JOINT RESOLUTION for the relief of Ben Stresen Reuter, late of Company G, Second Infantry, Michigan National Guards.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors shall investigate the claim of Ben Stresen Reuter for injuries sustained while in discharge of his duties as second lieutenant in Company G, Second Infantry, Michigan National Guards, and if said board shall find that any sum should be paid to said Ben Stresen Reuter, the board is hereby authorized to allow in the fiscal year ending June thirtieth, nineteen hundred two, such sum as they may determine, not exceeding two thousand dollars. On such allowance, the Auditor General shall issue his warrant on the State Treasurer in favor of said Ben Stresen Reuter for the amount so audited and allowed, payable out of any amount in the State treasury not otherwise appropriated, provided the claim of said Ben Stresen Reuter is presented within six months from the time this resolution shall take effect.

Approved June 6, 1901.

[No. 13.]

JOINT RESOLUTION authorizing the Board of State Auditors to erect a stone base and place thereon a stone castle made by the First Regiment Engineers and Mechanics, the same to be placed on the Capitol grounds, and to provide for the payment of the same.

WHEREAS, During the campaign of Chattanooga and Atlanta, during the winter of eighteen hundred sixty-three and eighteen hundred sixty-four, the First Regiment Michigan Engineers and Mechanics, Colonel William P. Innes commanding, while engaged in constructing government warehouses at Chattanooga, did make and put into one of the buildings the ensignia of the regiment, a castle carved in stone; that some twenty years afterward the buildings were torn down and Captain McCreath and other members of the regiment secured the stone castle and at a great expense sent it to the regiment, who placed it in charge of the Quartermaster General, to be placed among the relics, etc., in the Museum in the State Capitol; that said stone has been kept in the lower

corridor of the Capitol building and not conspicuous to the public; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and directed to secure a suitable base for the stone and place the same in some suitable locality on the Capitol grounds at a cost not to exceed one hundred dollars, the expense in connection with this work to be approved upon itemized bills presented to the Board of State Auditors and paid by the State Treasurer upon the warrant of the Auditor General out of any funds in the State treasury not otherwise appropriated;

Resolved, That a committee of three members of the First Regiment Michigan Engineers and Mechanics are requested to advise and consult with the State Board of Auditors in carrying out this resolution.

This joint resolution is ordered to take immediate effect.

Approved June 6, 1901.

[No. 14.]

JOINT RESOLUTION for the relief of Fred L. Wait, member of Company F, First Infantry, Michigan National Guard.

WHEREAS, Fred L. Wait, a member of Company F, First Infantry, Michigan National Guard, while performing duty as such member on April twenty-ninth, eighteen hundred ninety-eight, at the encampment of the Michigan National Guard at Island Lake, Michigan, was seriously ruptured by a fall occasioned by the caving of a bank of earth over which he was compelled to pass while at drill and while acting under the orders of superior officers, such injury being occasioned through no fault of his; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized to investigate, examine into, and if they see fit, audit and allow in the fiscal year ending June thirty, nineteen hundred two, the claim of the said Fred L. Wait. On such allowance, the Auditor General shall issue his warrant in favor of said Fred L. Wait for the amount so audited and allowed, payable out of any money in the State treasury not otherwise appropriated: *Provided,* That the claim of said Fred L. Wait is presented within six months from the time this resolution shall take effect: *Provided further,* That the amount allowed shall not exceed the sum of two thousand dollars.

Approved June 6, 1901.

CONCURRENT RESOLUTIONS, 1901.

[No. 1.]

CONCURRENT RESOLUTION for the printing of the annual reports of railroad companies for eighteen hundred ninety-eight and eighteen hundred ninety-nine.

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the Commissioner of Railroads be and is hereby authorized to have printed, in addition to the regular annual reports provided by act number forty-four, public acts of eighteen hundred ninety-nine, not to exceed five hundred volumes, containing the complete annual reports of the railroad companies as made to the department of the Commissioner of Railroads for the years eighteen hundred ninety-eight and eighteen hundred ninety-nine; to contain not to exceed seven hundred pages, each to be distributed by the said Commissioner of Railroads.

Approved February 7, 1901.

[No. 2.]

CONCURRENT RESOLUTION relative to salaries of clerks in the office of State Tax Commission.

WHEREAS, It appears from the bills on file in the Board of Auditors' office that the tax commission have authorized the employment of expert extra employes in determining the value of railroad and other corporate property under the authority given in article six of section one hundred fifty of act number one hundred fifty-four of the public acts of eighteen hundred ninety-nine, to the amount of fifty thousand dollars in salaries and expenses, and that the pay roll of employes in the appraisal of properties paying specific taxes for the State Tax Commission for the month of January amounts to five thousand one hundred twenty-nine dollars and sixty-five cents; therefore, be it

Resolved (the Senate concurring), That the Board of Auditors be and hereby are instructed from and after this date, that the rate of all sala-

[No. 5.]

CONCURRENT RESOLUTION to provide for the submission to the qualified electors of the township of Bushnell, in the county of Montcalm, the question of the relief of Marshall Sherd, treasurer of the township of Bushnell, in said county, from liability on account of the loss of township funds occasioned through failure of the bank of Stone & Hemingway, Sheridan, Michigan.

Resolved by the House (the Senate concurring), That there shall be submitted to the qualified electors of the township of Bushnell, in the county of Montcalm, at the annual township meeting to be held in said township on the first Monday of April, nineteen hundred one, the question of releasing Marshall Sherd, treasurer of said township, from liability on account of his loss of the funds of said township through the failure of the bank of Stone & Hemingway, of Sheridan, Michigan, where said funds were deposited; said relief to be determined as hereinafter provided.

The township clerk of said township of Bushnell shall cause at least ten days' notice to be given of the intended submission of said question, in the same manner as is required by law to be given of said annual township meetings. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words: "For the relief, Yes," and on the other set of ballots the words: "For the relief, No." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted. If it should appear from the final inspection and counting of said ballots that a majority of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

Approved March 15, 1901.

appear from the final inspection and counting of said ballots that a majority of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

Approved March 15, 1901.

[No. 4.]

CONCURRENT RESOLUTION to provide for the submission to the qualified electors of the township of Fairplains, in the county of Montcalm, the question of the relief of Frank R. Willet, treasurer of the township of Fairplains, in said county, from liability on account of the loss of township funds occasioned through the failure of the bank of Stone & Hemingway, of Sheridan, Michigan.

Resolved by the House (the Senate concurring), That there shall be submitted to the qualified electors of the township of Fairplains, in the county of Montcalm, at the annual township meeting to be held in said township on the first Monday in April, in the year nineteen hundred one, the question of releasing Frank R. Willet, treasurer of the said township, from liability on account of his loss of the funds of said township through the failure of the bank of Stone & Hemingway, of Sheridan, Michigan, where the said funds were deposited, said relief to be determined as hereinafter provided. The township clerk of said township of Fairplains shall cause at least ten days' notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meetings. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words, "for the relief, Yes," and on the other set of ballots the words, "for the relief, No." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

If it should appear from the final inspection and counting of said ballots that a majority of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

Approved March 15, 1901.

[No. 5.]

CONCURRENT RESOLUTION to provide for the submission to the qualified electors of the township of Bushnell, in the county of Montcalm, the question of the relief of Marshall Sherd, treasurer of the township of Bushnell, in said county, from liability on account of the loss of township funds occasioned through failure of the bank of Stone & Hemingway, Sheridan, Michigan.

Resolved by the House (the Senate concurring), That there shall be submitted to the qualified electors of the township of Bushnell, in the county of Montcalm, at the annual township meeting to be held in said township on the first Monday of April, nineteen hundred one, the question of releasing Marshall Sherd, treasurer of said township, from liability on account of his loss of the funds of said township through the failure of the bank of Stone & Hemingway, of Sheridan, Michigan, where said funds were deposited; said relief to be determined as hereinafter provided.

The township clerk of said township of Bushnell shall cause at least ten days' notice to be given of the intended submission of said question, in the same manner as is required by law to be given of said annual township meetings. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words: "For the relief, Yes," and on the other set of ballots the words: "For the relief, No." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted. If it should appear from the final inspection and counting of said ballots that a majority of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

Approved March 15, 1901.

[No. 6.]

CONCURRENT RESOLUTION directing the Board of State Auditors to settle the claim made by the council of Hope College, of Holland, Michigan, against the State of Michigan for money paid to the Secretary of State as a franchise fee for the reincorporation of the Council of Hope College, an educational institution located at Holland, Ottawa county, Michigan.

WHEREAS, The Council of Hope College, a corporation located at Holland, Ottawa county, Michigan, claims that there is justly and equitably due it from the State of Michigan the sum of one hundred twenty dollars, for money paid by said Council of Hope College to the Secretary of State of the State of Michigan for the use and benefit of the State during the month of June, A. D. eighteen hundred ninety-six, as a franchise fee for the reincorporation of said Council of Hope College, an educational institution located at Holland, Ottawa county, Michigan.

Therefore be it resolved by the House (the Senate concurring), That the Board of State Auditors, be and they are hereby, authorized to investigate and examine said claim and determine as to the same, and what amount, if any, is justly and equitably due and owing to the said Council of Hope College, and said board is hereby authorized and empowered to settle and adjust said claim and to allow said Council of Hope College such sum as they shall find justly and equitably due it therefor, not to exceed the sum of one hundred twenty dollars and forty cents.

Approved March 19, 1901.

[No. 7.]

CONCURRENT RESOLUTION for the sale of certain land to school district number three, Winterfield township, Clare county.

WHEREAS, The southeast quarter of the northwest quarter of section three, township twenty north, six west, is held on the books of the Auditor General as State tax land, the taxes thereon being unpaid; and

WHEREAS, School district number three of the township of Winterfield, in Clare county, is desirous of obtaining a portion of said above described lands for the purpose of a school house site; now therefore, be it

Resolved by the House (the Senate concurring), That the Auditor General be and is hereby authorized to sell to the said school district number three of the township of Winterfield, in Clare county, one square acre in the southeast corner of the southeast quarter of the northwest quarter of section three, township twenty north of range six west, at a price not exceeding a pro rata of the total amount due to the State in unpaid taxes on the above description of land.

Approved March 27, 1901.

[No. 8.]

CONCURRENT RESOLUTION requesting congress to make certain amendments to the inter-state commerce act.

WHEREAS, The principal commercial organizations of the United States have publicly declared by resolutions that the act to regulate commerce, approved February four, eighteen hundred eighty-seven, has proven to be defective in very important provisions and has failed to afford to the shipping interests of the country the relief which was the purpose of its enactment; and

WHEREAS, It is generally believed that the interests of the shipping public can best be subserved by judicious amendments or revision of said act; therefore,

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the congress be most respectfully requested to amend the act to regulate commerce so as to enable the interstate commerce commission:

To adjust freight rates in such a manner as to put an end to discriminations in favor of one section as against another section, in favor of one class as against another class of shippers; and

To determine, after full trial, what are just and reasonable rates and what are unreasonable rates, and to fix reasonable limits in cases where exorbitant rates are found to exist, and to provide for equitable classifications uniform between the states; and

To put into full force and effect its own rulings and decisions so that the latter may be mandatory and final to all whom they may concern, until reversed or modified by the courts of the United States.

Approved April 30, 1901.

[No. 9.]

CONCURRENT RESOLUTION to provide for the submission to the qualified electors of school district number four, fractional, of the township of Evergreen, in the county of Montcalm, the question of relief of Almon G. Giddings, assessor of said school district in said county, from liability on account of the loss of school funds occasioned through the failure of the bank of Stone & Hemingway, of Sheridan, Michigan:

Resolved by the House (the Senate concurring), That there shall be submitted to the qualified electors of school district number four, fractional, of the township of Evergreen, county of Montcalm, at the annual school meeting to be held in said district on the second Monday in July in the year nineteen hundred one, the question of releasing Almon G. Giddings, assessor of said district, from liability on account of his loss of school funds of said district through the failure of the bank of Stone & Hem-

ballot for the use of the electors desiring to vote upon said amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold-faced type the words "Vote on the amendment to the constitution relative to the publishing all the general laws of any session in any newspaper, Yes."

Then shall follow:

Amendment to the constitution relative to abolishing the publication of all the general laws of any session in any newspaper, Yes:

Amendment to the constitution relative to abolishing the publication of all the general laws in any newspaper, No.

Such ballots so prepared shall be sent out by said board of election commissioner at the same time and in the same manner as the ballot to be used at said general election. And it shall be the duty of the board of election inspectors, at each voting precinct in this State to see to it that each elector is furnished with a ballot relative to such proposed amendment at the same time he is furnished with the general ballot, and to inform such elector of the nature and purpose of it. And such elector shall be required on coming out of the booth, and tendering his vote to the inspectors of election, to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

[No. 10.]

A JOINT RESOLUTION directing the Board of State Auditors to investigate and examine the claims of the county of Ingham for expenses incurred by said county in the indictment and prosecution of certain State officers and employes for malfeasance or misfeasance in office, and for bribing or attempting to bribe certain officers, and for aiding and abetting in the commission of such offenses, including reasonable counsel fees of special counsel lawfully appointed to assist in such prosecution.

WHEREAS, A grand jury was called by the circuit judge in and for the county of Ingham at the September term of the circuit court for said county, eighteen hundred ninety-nine, to inquire into certain offenses against the laws of this State; and

WHEREAS, In his charge to said grand jury, so called, the said circuit judge directed said grand jury to inquire into certain alleged offenses committed by certain officers and employes of this State; and

WHEREAS, Said grand jury returned sundry indictments against certain officers and employes of this State for malfeasance and misfeasance in office and for bribing or attempting to bribe certain officers and employes of this State, and for aiding and abetting in the commission of such offenses; and

WHEREAS, It is believed that the expenses of such indictments and of the trials of persons so indicted are a proper charge against the State of Michigan and ought to be paid from the State treasury; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and is hereby authorized and required to investigate the claims of said county of Ingham for the expenses incurred in the calling of the said grand jury and in the prosecution of said officers and employes of this State for malfeasance and misfeasance in office, and for bribing or attempting to bribe State officers and employes, and for aiding and abetting in the commission of such offenses, and to audit and allow all just and legal claims for such prosecutions, including the expenses of said grand jury as aforesaid, and the Board of State Auditors is hereby authorized and directed to draw its warrant on the State treasury for the payment of such amount or amounts which it shall find to be justly and reasonably due therefor; but the total amount so allowed shall not exceed the sum of ten thousand dollars.

Approved May 27, 1901.

[No. 11.]

A JOINT RESOLUTION proposing an amendment to article four of the constitution of this State by adding a new section thereto to stand as section forty-seven, empowering the legislature to enact a law imposing indeterminate sentences, so called, as a punishment for crime, and provide for the parole and return to prison of persons imprisoned on such sentences.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to article four of the constitution of this State by adding a section thereto to stand as section forty-seven of said article be, and the same is hereby proposed to read as follows:

SEC. 47. The legislature may, by law, provide for the indeterminate sentences, so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences. Be it further

Resolved, That said constitutional amendment shall be submitted to the people of this State at the general election to be held in November, nineteen hundred two, and the Secretary of State is hereby required to certify the same to the clerks of the several counties, and give notice of the same to the sheriffs of the several counties of this State, and the said sheriffs of the several counties of this State shall be required to give notice of the same to the several townships and wards in said State, in the manner required by law. The said amendments shall be printed upon the official ballot used at said election, as provided by law, as follows:

“Amendment to the constitution relative to indeterminate sentences—
Yes.”

ballot for the use of the electors desiring to vote upon said amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold-faced type the words "Vote on the amendment to the constitution relative to the publishing all the general laws of any session in any newspaper, Yes."

Then shall follow:

Amendment to the constitution relative to abolishing the publication of all the general laws of any session in any newspaper, Yes:

Amendment to the constitution relative to abolishing the publication of all the general laws in any newspaper, No.

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WHEREAS, It is believed that the expenses of such indictments and of the trials of persons so indicted are a proper charge against the State of Michigan and ought to be paid from the State treasury; therefore be it

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“Amendment to the constitution relative to indeterminate sentences—
Yes.”

AMENDMENT TO THE CONSTITUTION.

Amendment to the constitution, "relative to the taxation of corporations," as proposed by the extra session of the legislature of nineteen hundred and ratified and approved by the people at the November election of nineteen hundred.

ARTICLE FOURTEEN.

SEC. 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The legislature may provide for the collection of specific taxes from corporations. The legislature may provide for the assessment of the property of corporations, at its true cash value, by a State Board of Assessors and for the levying and collection of taxes thereon. All taxes hereafter levied on the property of such classes of corporations as are paying specific taxes under laws in force on November sixth, A. D. nineteen hundred, shall be applied as provided for specific State taxes in section one of this article.

SEC. 11. The legislature shall provide a uniform rule of taxation except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: *Provided*, That the legislature shall provide an uniform rule of taxation for such property as shall be assessed by a State Board of Assessors, and the rate of taxation on such property shall be the rate which the State Board of Assessors shall ascertain and determine is the average rate levied upon other property upon which advalorem taxes are assessed for State, county, township, school and municipal purposes.

SEC. 13. In the year one thousand nine hundred and one, and every fifth year thereafter, and at such other times as the legislature may direct, the legislature shall provide for an equalization of assessments by a State board, on all taxable property, except that taxed under laws passed pursuant to section ten of this article.

CERTIFICATE.

**MICHIGAN
DEPARTMENT OF STATE
LANSING.**

I, Fred M. Warner, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the legislature of nineteen hundred one was on the sixth day of June in the year of our Lord one thousand nine hundred and one.

[L. s.] IN WITNESS WHEREOF I have hereunto set my hand and
caused the great seal of the State of Michigan to be
affixed this first day of July, A. D. one thousand nine
hundred and one.

**FRED M. WARNER,
Secretary of State.**

APPENDIX

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE FISCAL YEAR ENDING JUNE 30, 1901.

REPORT
OF THE
TREASURER OF THE STATE OF MICHIGAN

STATE OF MICHIGAN,
TREASURY DEPARTMENT, }
Lansing, July 1, 1901.

Hon. A. T. Bliss, Governor, Lansing, Mich.:

Sir—I have the honor to submit herewith the following report, exhibiting the transactions of this department for the fiscal year ending June 30, 1901.

Balance on hand July 1, 1900.....	\$2,501,557 53
Total receipts	5,825,973 36
	<hr/>
	\$8,327,530 89
Disbursements	5,700,007 05
	<hr/>
Balance on hand June 30, 1901.....	\$2,627,523 84

Which corresponds with the amount charged this office, as appears by the following letter of the Auditor General.

Very respectfully,

DANIEL MCCOY,
State Treasurer.

STATE OF MICHIGAN,
AUDITOR GENERAL'S DEPARTMENT, }
Lansing, July 1, 1901.

Hon. Daniel McCoy, State Treasurer, Lansing, Mich.:

SIR—I hereby certify that the cash balance charged the State Treasurer as being in his hands at the close of business June 30, 1901, was two million six hundred twenty-seven thousand five hundred twenty-three dollars and eighty-four cents (\$2,627,523.84) as appears by the books of this office.

Very respectfully,

PERRY F. POWERS,
Auditor General.

The following statement from the general and auxiliary ledgers gives the condition of the several trust funds, bond account, etc.:

Credit—

General Fund	\$2,097,704 90
Agricultural College Interest Fund	43,683 96
Normal School Interest Fund.....	1,010 74
Primary School Interest Fund	178,508 26
University Interest Fund	9,916 22
Sundry Deposits Account	7,714 77
War Fund	245 00
War Loan Sinking Fund	288,739 99
	<u>\$2,627,523 84</u>

Debit—

Cash on hand.....	<u>\$2,627,523 84</u>
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TRUST FUNDS.

Agricultural College Fund.....	\$832,608 09
Normal School Fund.....	67,842 62
Primary School Fund (7%).....	4,122,832 63
Primary School Fund (5%).....	877,575 68
University Fund	536,748 61
	<u>\$6,437,607 63</u>

UNIVERSITY DEPOSIT (TREADWELL) FUND.

Legacy Adah Z. Treadwell, interest on same to be expended annually for support of free bed in University Hospital for some poor and deserving patient.....	<u>\$2,000 00</u>
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BONDED DEBT.

War Loan Bonds of 1898 (3%). Issue.....	\$291,300 00
Purchased and canceled during fiscal year.....	53,500 00
	<u>\$237,800 00</u>
War Loan Bonds of 1898 (3½%). Issue.....	\$208,700 00
Purchased and canceled during fiscal year.....	29,700 00
	<u>179,000 00</u>
Balance outstanding	<u>\$416,800 00</u>

The following statements give the receipts and payments in detail:

General Fund.

RECEIPTS.

Balance, July 1, 1900.....		\$1,956,993 19
Taxes, etc.—		
From Auditor General's Office—		
Tax histories, statements and deeds.....	\$2,456 07	
State tax lands.....	156,044 39	
Redemptions	29,891 97	
Delinquent taxes	160,057 53	
		348,449 96
From County Treasurers—		
Under old tax law.....	\$2,808 59	
Under new tax law.....	3,096,254 23	
Proceeds of tax sales.....	16 28	
		3,099,079 10
Fees, Licenses, etc.—		
Adjutant General—		
"Michigan in the War," sale of.....	\$3 00	
Auditor General—		
Plats filed	106 00	
Commissioner of Insurance—		
Fees—Co-operative Association	785 00	
Retaliatory fees	18,304 65	
Commissioner of State Land Office—		
Plats, etc.	1,116 90	
Settlers' licenses	46 00	
Governor—		
Fees, notaries public.....	3,441 00	
Secretary of State—		
Certificates and certified copies.....	1,280 85	
Commissions to commissioners of deeds.....	63 00	
Legislative Manuals, sale of.....	8 00	
Session Laws, sale of.....	132 83	
Compiled Laws, sale of.....	594 70	
Secret marriage fees.....	37 00	
Recording fees	3,055 15	
Requisition fees	52 00	
Commercial reports	427 07	
Board of Geological Survey—		
Sale of reports.....	82 30	
Attorney General—		
Approval fees from insurance companies.....	105 00	
State Librarian—		
Pioneer Collections, sale of.....	1 50	
State Oil Inspector—		
Inspection fees	8,863 19	
State Treasurer—		
Peddlers' licenses	1,690 67	
Deer licenses	6,480 83	
Fees for copies of records.....	86 00	
Amount carried forward.....	\$46,762 64	\$5,404,522 25

Amount brought forward.....	\$46,762 64	\$5,404,522 25
Commissioner of Banking—		
Fees for examining banks.....	12,826 02	
		59,588 66
Interest—		
Specific taxes	\$1,553 41	
Surplus funds	75,722 75	
		77,276 16
Refunding—		
Taxes	\$15 01	
Awards of Board State Auditors.....	178 44	
Coroners' fees	12 38	
Overpayment, David Knox, Adjutant General's Office..	82 40	
Overpayment, Geo. L. Maltz, Banking Commissioner....	101 90	
Overpayment, D. J. Bertrand, Auditor General's Office..	43 99	
Overpayment, Tax Commission.....	28 33	
Overpayment, Home for Feeble Minded and Epileptic..	2 00	
Overpayment, Treasurer Barbers' Commission.....	11 63	
Overpayment, Stationery for Legislature.....	45 00	
Overpayment, Incidental expenses of Legislature.....	3 90	
Overpayment, Labor Commissioner.....	04	
Overpayment, Deputy Labor Commissioner.....	08	
Overpayment, Board State Tax Commissioners.....	56 01	
Overpayment Dairy and Food Commission.....	24 60	
Overpayment, Live Stock Sanitary Commission.....	40 95	
Support of insane, Michigan Asylum.....	6,742 15	
Support of insane, Eastern Asylum.....	953 58	
Support of insane, Wayne County Asylum.....	886 49	
Support of insane, Upper Peninsula Hospital.....	651 68	
		9,880 51
Appropriations unexpended—		
School for Boys.....	\$1 50	
School for Blind.....	95 93	
School for Deaf and Dumb.....	1 62	
Soldiers' Home	31	
Home for Feeble Minded and Epileptics.....	583 74	
Michigan College of Mines.....	5 99	
Board of Fish Commissioners.....	57 28	
State Teachers' Institutes.....	59 05	
Dairymen's Association	21 50	
Pioneer and Historical Society.....	26	
Ontonagon fire sufferers.....	3,816 25	
		4,643 43
State Lands, purchase of—		
Asylum lands—principal and interest.....	\$1,176 64	
Asset lands—principal and interest.....	61 08	
Salt spring lands—principal and interest.....	260 39	
State building lands—principal and interest.....	149 74	
Five per cent from sale of lands by United States.....	1,510 00	
Taxes on part-paid lands.....	944 19	
State tax homestead certificates.....	3,416 33	
Rent of State building lots in Lansing.....	1,879 97	
Trespass collections, State tax homestead lands.....	3,396 34	
Trespass collections, State tax lands.....	2,817 34	
Trespass collections, Salt spring lands.....	3 00	
		15,615 02
Miscellaneous—		
Michigan Board of Pharmacy—available surplus.....	\$821 84	
Sale of old material.....	167 71	
U. S. Government in aid Soldiers' Home.....	49,968 28	
U. S. Government in aid Agricultural College.....	25,000 00	
Inspection of orchards and nurseries.....	548 00	
Amount carried forward.....	\$76,505 83	\$5,571,526 03

Amount brought forward.....	\$76,505 83	\$5,571,526 03
Miscellaneous—Continued.		
U. S. Government, account Spanish war claims.....	351,482 99	
State Tax Commission—sale of old furniture.....	63 95	
Barbers' Commission—fees.....	4,536 00	
Board of Examiners of Horseshoers—fees.....	1,180 64	
Board of Registration in Medicine—fees.....	5,209 45	
Escheat—unknown dead person, Sanilac county.....	1 70	
White-Marsh fine.....	2,000 00	
		<u>440,980 56</u>
Transfers—		
From Agricultural College Fund.....	\$13,664 33	
From Normal School Fund.....	990 00	
From Primary School Fund.....	138,609 79	
From Swamp Land Fund.....	5,594 75	
From University Fund.....	6,044 53	
From War Fund.....	43,067 88	
From University Deposit Fund.....	2,000 00	
		<u>209,971 28</u>
Total		<u>\$6,222,477 87</u>

General Fund.
DISBURSEMENTS.

Appropriations—

Eastern Asylum for the Insane.....	\$81,011 15
Michigan Asylum for the Insane.....	23,993 75
Northern Asylum for the Insane.....	31,829 35
Hospital for Insane, Upper Peninsula.....	58,588 59
State Asylum	7,725 00
Institution for Educating the Deaf and Dumb.....	127,475 00
Michigan School for the Blind.....	28,115 00
Michigan Soldiers' Home.....	125,500 00
State Board of Health.....	8,970 42
Home for Feeble Minded.....	88,865 00
Board of Corrections and Charities.....	4,400 02
Board of Fish Commissioners.....	25,000 00
Board of Geological Survey.....	10,651 41
Bureau of Labor and Industrial Statistics.....	22,627 32
Central Michigan Normal School.....	63,000 00
Agricultural College	79,679 70
Michigan College of Mines.....	63,395 82
State Normal School.....	74,800 00
State Public School for Dependent Children.....	33,200 00
University of Michigan.....	290,695 85
State Industrial School for Boys.....	74,340 00
State Industrial Home for Girls.....	49,180 34
State Prison	13,000 00
Compiling Legislative Journal.....	375 00
Commissioner of Mineral Statistics.....	3,125 00
Naval Brigade	19,614 35
Military account	97,535 35
Pioneer Society of the State of Michigan.....	1,500 00
Soldiers and Sailors' monument.....	100 00
State Library	7,500 00
State Teachers' Institutes.....	2,506 25
Re-compilation of records in Adjutant General's office..	1,217 98
Relief of Supreme Court.....	4,917 60
State Board of Library Commissioners.....	944 90
Forestry Commission	1,487 54
Riverside cemetery	12 00
Dairymen's Association	225 00
Dairy and Food Commission.....	19,556 79
Northern State Normal School.....	23,001 00
Compiling and copying records, Adjutant General's office	1,834 63
Board of Managers Pan-American Exposition.....	23,000 00
Relief of Alphonso Button.....	275 00
Relief of Geo. W. Crump.....	275 00
Relief of Betsey J. Haight.....	132 00
Relief of Wm. T. Densmore.....	60 00
Relief of Jno. E. Tyrrell.....	300 00

Amount carried forward..... \$1,595,539 11

Amount brought forward.....	\$1,595,539 11
Expenses of State Government—	
Advisory Board in Matter of Pardons.....	\$4,087 63
Agent of State Public School.....	2,845 44
Agent Industrial School for Boys.....	324 93
Agent Industrial Home for Girls.....	850 90
Apprehending escaped convicts.....	284 98
Care of juvenile offenders.....	10,833 61
Conveying children to State Industrial School for Boys.	4,182 14
Conveying children to State Industrial Home for Girls.	2,583 41
Conveying convicts to State House of Correction.....	4,115 66
Conveying convicts to State Prison.....	3,405 36
Conveying convicts to State House of Correction and Prison, Upper Peninsula.....	3,743 70
Conveying convicts to Detroit House Correction.....	932 64
Transportation of children to State Public School.....	1,364 06
Return of children from State Public School.....	47 23
Medical treatment of children.....	1,165 53
Transfer of convicts (insane).....	329 91
State House of Correction (current expenses).....	46,000 00
State Prison (current expenses).....	18,000 00
State House of Correction and Prison, Upper Peninsula (current expenses)	32,000 00
Support of female convicts.....	1,548 48
Support of insane, Eastern Asylum.....	160,855 12
Support of insane, Michigan Asylum.....	188,824 17
Support of insane, Northern Asylum.....	165,938 87
Support of insane, State Asylum.....	42,160 75
Support of insane, Wayne County Asylum.....	48,745 64
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Total		\$6,222,477 87

Aggregate of receipts from all sources, including specific taxes, and all disbursements for all purposes for each month of the fiscal year ending June 30, 1901, showing the cash balance at the end of each month.

	Receipts.	Disbursements.	Balances.
1900—July	\$1,027,870 05	\$414,997 46	\$3,114,430 12
August	90,807 78	326,148 11	2,879,089 79
September	572,432 73	389,903 01	3,061,619 51
October	77,687 71	327,767 05	2,811,540 17
November	138,500 69	1,570,708 67	1,379,332 19
December	209,424 23	343,296 74	1,245,459 68
1901—January	1,556,134 96	316,435 07	2,485,159 57
February	359,504 46	303,899 38	2,540,764 65
March	528,236 87	279,271 27	2,789,730 25
April	176,667 51	338,498 29	2,627,899 47
May	398,970 03	664,808 06	2,362,061 44
June	689,736 34	424,273 94	2,627,523 84
Totals	\$5,825,973 36	\$5,700,007 05

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TO THE
PUBLIC ACTS
OF THE
STATE OF MICHIGAN

ENACTED BY THE LEGISLATURE OF 1901, WITH REFERENCES TO
THE SECTIONS AND CHAPTERS OF

THE COMPILED LAWS OF 1897, VOLUMES 1, 2 AND
3 RESPECTIVELY, AMENDED OR REPEALED.

Prepared and published under the supervision of the Secretary of State, in compliance
with Act No. 44, Public Acts 1899.

INDEX TO PUBLIC ACTS OF 1901.

The abbreviations used in the following pages of this index are: ch. chapter; r, repealed; s, superseded. Where lines are indented it indicates that there should be a repetition of the first words of the first full line immediately above the indented line, or that the matter of the indented line relates to the same subject, as will be readily apparent to the reader.

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